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Tuesday, 7 December 1993 at 10 a.m.

NEW YORK

President: Mr. INSANALLY (Guyana)

The meeting was called to order at 10.40 a.m.

AGENDA ITEM 20

FORTY-FIFTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

ANNOUNCEMENT REGARDING THE AWARD OF HUMAN RIGHTS PRIZES

The PRESIDENT: I should like to remind members that, in accordance with the decision taken by the General Assembly at its 3rd plenary meeting, the ceremony for the award of human-rights prizes in 1993 will be held on Friday, 10 December 1993, on the occasion of the celebration of the forty-fifth anniversary of the Universal Declaration of Human Rights.

The Special Committee established under recommendation C of the annex to resolution 2217 A (XXI) of 19 December 1966 to select the winners of the human-rights prizes decided to recommend to the General Assembly that the number of prizes this year be increased to nine.

If there is no objection to that proposal, I shall take it that nine prizes for outstanding contributions to the promotion and protection of human rights and fundamental freedoms are to be awarded this year.

It was so decided.

PROGRAMME OF WORK

The PRESIDENT: It is my intention to take up the reports of the Sixth Committee on Thursday, 9 December, in the afternoon; reports of the Special Political and Decolonization Committee (the Fourth Committee) on Friday, 10 December, in the afternoon; the reports of the First Committee on Thursday, 16 December, in the afternoon; and the reports of the Third Committee on Monday, 20 December, in the morning.

AGENDA ITEM 109

SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY

LAUNCHING OF THE INTERNATIONAL YEAR OF THE FAMILY: REPORT OF THE SECRETARY-GENERAL (A/48/293)

The PRESIDENT: This morning the General Assembly, in accordance with a decision taken at its 3rd plenary meeting, will launch the International Year of the Family.

At the outset of our proceedings today, I propose to make a brief statement as President of the Assembly.

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ENGLISH

By proclaiming 1994 the International Year of the Family, the General Assembly decided to draw the world's attention to that most fundamental of social institutions: the family.

Today's realities remind us of the importance of families as basic units of society, performing such vital functions as the rearing of children, caring for the vulnerable, providing emotional and material support for their members and generally serving as the pillars of entire communities. Families, moreover, play a major economic role in contributing to the development of a productive population. It has been said, in fact, that if we want better people to make a better world, we should begin where people are made: in the family.

At this critical juncture in history, the institution of the family is under constant siege. As economies recede, unemployment raises its ugly head, denying breadwinners of the home the resources necessary for the care and comfort of their charges. Worse yet, with changing values, moral degradation has set in, bringing in its wake such evils as crime, drugs, disease and violence. There is therefore an urgent need to arrest these growing social problems. For these reasons, Governments would be best advised to formulate appropriate policies to enable families to adapt to the demands of change and thus remain the bedrock of our civilization.

Since the Year was proclaimed, we have witnessed the launching of an intensive, coordinated and effective preparatory process, which has set in motion a series of substantive promotional activities around the globe. The Secretary-General's report (A/48/293) on the subject indicates that progress made so far augurs well for a successful observance of the Year. I wish to reiterate the Assembly's appreciation to the Secretary-General, already expressed in resolution 47/237, for advancing the cause of the family, notwithstanding the many complexities of the question and the resource constraints of the United Nations itself.

The preparatory process has served to orient the Year's activities for the promotion of human rights to the benefit of the family. A consistent effort has been made to focus on activities at the national and the local levels and to support them in every possible manner. The series of four regional preparatory meetings for the Year has mobilized wide support for national action programmes and has forged a global consensus on the important role of families. Those meetings have confirmed that many of the issues of concern to families and, by extension, to national Governments, are indeed universal. The international community must therefore come together with a unity of purpose to strengthen the basic foundation on which it is built: the human family.

I should like to pay a tribute to the numerous International Year of the Family partners at all levels - Governments, non-governmental organizations and individuals - that have contributed to the furtherance of the principles and objectives of the Year. A special word of appreciation is due the concerned United Nations bodies and agencies whose task it is to execute the many policies and programmes designed to enhance family welfare.

As we meet today in observance of this very special Year, let us remember that in advancing the concept of the family as the smallest democracy at the heart of society, we shall be helping to build a world in which peace and development can best flourish. We must therefore strive to ensure that the institution of the family not only survives but is also greatly strengthened.

I am now pleased to invite the Secretary-General of the United Nations, His Excellency Mr. Boutros Boutros-Ghali, to address the Assembly.

The SECRETARY-GENERAL: The family is the oldest and the most basic unit of human organization. It is the link between generations. It helps to carry and to transmit culture. It sustains the disadvantaged. It provides for those in need. Families mould and feed us. We rely upon their *esprit de corps*, their solidarity, their support.

Today it is with great pleasure that I join with you in the launching of 1994 as the International Year of the Family. This proclamation signals an important and meaningful commitment by the international community. For the first time, the United Nations pays tribute to the special needs and importance of the family. Through this undertaking, we show our commitment to preserving the integrity of the family; we show our determination to enhance the capacity of families to thrive in the modern world.

The International Year of the Family celebrates the contribution of the family to human life in all of its aspects. In doing so, it also reminds us that families everywhere are struggling to cope with the impact of change.

Action in support of the family is required. Greater sensitivity to the needs of families must be achieved. Promoting a greater awareness of the problems facing the family is where we must now begin.

There is no single definition of a family. There is no one model. The diversity of society is fully reflected in

the diversity of our families. We celebrate the family in all of its many cultural and social forms. We strive to enhance its vitality - a vitality that comes from the sense of community that families create.

In emphasizing the importance of the family, however, we do not detract from the priority placed on individual rights. Support for the family must not come at the expense of each person's human rights. Support for the family is not an alternative to or a way around these rights.

Indeed, our focus on the role of the family must also take into account the many responsibilities of families. Children have the right to be fed and protected within the family. Women have the right to be respected within the family, and the right to be allowed to contribute their full talents to society. The disabled are entitled to have access to the means of reaching their full potential.

It is my hope that this Year will lead to action on behalf of the family. We must ensure that it also serves as a positive initiative for human dignity and human rights.

In the change and confusion of the modern world, families are sources of stability and promise. Families can help to bridge ethnic and political divisions. They can enhance economic potential. They can promote social welfare and social responsibility.

Politically, by forging links between communities, families help promote tolerance. By building closer ties between peoples, families deepen understanding throughout society.

Economically, by creating a wider pool of human and financial resources, families promote economic progress. Through economic cooperation, families achieve together what their individual members could not achieve alone.

Socially, by caring for family members, and by teaching positive social behaviour, families promote greater social welfare.

In all these respects, families are resources of great strength and nearly unlimited potential. They are a force for progress, a counterweight to alienation, and a defence against breakdown and disorder.

Despite these strengths, families everywhere are under pressure. In some countries, the rates of family disintegration are a cause for genuine alarm. In other countries, negative pressures on families have weakened their cohesiveness. Family support mechanisms have been seriously undermined.

War and political conflict are widespread today, and they exact a heavy toll. Separation and loss physically threaten family cohesion. Trauma and displacement inflict overwhelming emotional distress.

Economically, unplanned development disrupts traditional patterns of family life. Industrial strategies are often pursued with little regard for their impact upon the family. The inability of some families to provide for themselves weakens family cohesion and undermines self-respect.

Socially, too rapid urbanization disrupts family relations and family-based social systems. Elsewhere, the fear of crime and a pervasive atmosphere of violence make normal family life impossible.

Unfortunately, the policies and actions of Governments and of international organizations sometimes add to the strains that families are already experiencing. Programmes are often launched with little consideration for how they may affect the capacity or integrity of families. Social welfare services sometimes incorporate disincentives to the exercise of family responsibility. Families are sometimes required to make unfair choices between family cohesion and needed services.

Economically, taxation policies in many countries actually provide incentives for people to live apart rather than together. Little effort is made to include families in development strategies, and family enterprises are rarely considered in the context of economic development initiatives.

(spoke in French)

We must together make every effort to think of the family in radically new terms. To accord better recognition to the role that the family unit plays in the development of contemporary society, to strengthen the functions of the family, to enhance its role, to strive for its development: those are the tasks before us. For the family is not only the basic structure of social life; it is also at the very centre of the development process with which we are entrusted.

To envisage the future of the planet is also in a way to imagine the future of the family structure.

From the perspective of development, if we are trying to think of new links of solidarity, the family unit can again serve as a model and an inspiration.

Through family customs, we can redefine the quality of life, change our consumption habits and continue working towards viable and lasting economic development.

But the family does not only have economic functions in today's world; it also has important social functions. In particular, the family context must make it possible to ensure full equality for women. In this connection, I would like to ask Governments and all others concerned to make every effort to increase the opportunities given to women, in the true spirit of the International Year of the Family.

The International Year that is now beginning affords a unique opportunity for mobilizing all our efforts to highlight the importance of the family. May this awareness encourage Governments to take the necessary measures to ensure the well-being of families.

May the image of the family be an example to make us understand that all of us within the international community are members of the family of nations, the great human family. That is to say, we are members of an Organization which knows how to face the difficulties of the moment, to overcome apparent divisions, to surmount antagonisms, because it is led by a force more powerful than any other: the force of love, which in the final analysis is the *raison d'être* of the family.

The PRESIDENT: I now call on the Secretary of Health and Human Services of the United States of America, who will speak on behalf of the host country.

Ms. SHALALA (United States of America): Mr. President, Mr. Secretary-General, fellow delegates, distinguished guests and members of non-governmental organizations, it is my honour to speak to you as the representative of the host country. As always, the United States regards it as a privilege to host representatives from all parts of the world here at the United Nations General Assembly.

I salute the United Nations for designating 1994 as the International Year of the Family.

We have come here today because we recognize a fundamental truth: the family in all its forms is the cornerstone of our world community.

Those of us who live on this continent are now rediscovering a great deal about the family and the community from Native American culture. In that culture, the concept of the family includes the immediate family, the extended family, the community and even the natural world. Each newborn baby is presented to the community and given a name. At that time, a proclamation is made describing the baby's relationship to the family and to the members of the community. These bonds hold families together and are everlasting. This tradition enriches us all.

There are many more traditions of the family around the globe. Today we are seeing many types of caring, supportive families. Some families have two parents in the home. Some are headed by a single parent. Some are headed by a grandparent or an extended relative. And, as our populations age, we are seeing more and more households that include older relatives.

But all strong families have certain things in common. They are all based on love and commitment. They all nurture and educate children. They all teach respect for others and for one's self. And they all preserve and pass on the rich cultural traditions of the past, while teaching hope for the future.

However, if we are to give the families of tomorrow a future worthy of their dreams we must meet tough challenges today. Right now, we are facing a deadly threat that has claimed victims on every continent, in every corner of this Earth.

That threat, of course, is AIDS. AIDS is devastating families. It is orphaning thousands of children and it is increasing dramatically among children and adolescents around the world.

Conservatively, the World Health Organization projects that by the year 2000 a world total of 30 million to 40 million people will have been infected with HIV since the start of the pandemic. By the end of the 1990s there will be nearly one and a half million adult AIDS deaths each year, the majority in developing countries.

The Clinton Administration is committed to a global approach to AIDS. We have met with AIDS activists. We have increased funding for AIDS research and treatment. And we are treating AIDS not as a moral issue, but as a deadly disease that attacks without discrimination, regardless of race, gender, age, sexual preference or lifestyle, and regardless of where one lives in this world.

Our country is also thinking globally about reproductive health. We believe that families must have the freedom to choose when, and how many, children they bring into the world. And we believe that women in the United States should be able to govern their own bodies.

Many families lack access to reproductive health care. In developing countries, this leads to such terrible health

risks as unhealthy women, hungry children and impoverished families.

President Clinton is showing our commitment to making family planning available. We have restored funding to the International Planned Parenthood Federation. We are making an equally strong commitment to the United Nations Population Fund.

We must also meet the challenge of caring for the many children who are left orphaned by war, disease and poverty. All over the world young people are growing up without the nurturing words of a parent, without the encouragement they need to develop, and without the irreplaceable feeling of being part of a family. We must provide for their futures and build on the outstanding leadership of the non-governmental organizations in providing for people in need.

Another challenge we face is that of increasing economic security for our families. President Clinton is committed to creating jobs in the United States and to working with other nations to stimulate global prosperity. We know that an improved global economy means jobs. It also means shelter. It means nourishment. It means education. It means dealing with demographic change and committing ourselves to peace.

If we are to create a future worthy of our children we all have to be citizens of the world; we all have to bring a global vision to the decisions we make; and we have to feel a sense of personal responsibility for all the people and all the countries with which we share this beautiful and fragile planet.

Here in the United States we are the beneficiaries of great global diversity. Our shores continue to provide sanctuary and opportunity to families and children from all over the world. Many cultures now make up American life and the tradition of family.

I want to make clear that we value all families. All of our initiatives are aimed at helping families, from immunizing all pre-school children to launching a comprehensive anti-violence effort, from providing health care for every American to moving poor families into the work force, from supporting programmes that keep families together to passing new laws that let workers care for sick family members without losing their jobs.

I know that many of you are facing similar challenges in your countries. We must work together to find common solutions to common problems, to ensure that all families in every country have freedom, health, security and opportunity.

In the next two years the United Nations will hold three important international conferences: on social development, on the needs of women and on population and development. Those conferences address issues that will have a profound impact on all of our families in the years to come. The International Year of the Family should serve as a constant reminder to all of us to think about the needs of families as we do our jobs, this year and every year.

Yesterday in Washington President Clinton issued a proclamation declaring 1994 the International Year of the Family. On that occasion, he said:

> "By honouring families we are acknowledging the crucial role they play in developing the character of our collective communities - on the local, national and global levels. Each family's unique traditions and teachings blend together to build the very foundation upon which we, as an international family, have grown and will continue to grow."

To go back now to the Native American tradition, the Lakota Indians offer a blessing that signifies strong relationship. That blessing is three simple words: "All my relations." So today, on behalf of the people of the United States of America, I offer you and your citizens the same warm wishes. You are all my relations.

The PRESIDENT: I now call upon the President Director-General of the National Office of Family and Population of Tunisia and Chairman of the Organizing Committee of the Africa and Western Asia Preparatory Meeting for the International Year of the Family, which was held in Tunisia.

Mr. BOUKHRIS (Tunisia) *(interpretation from Arabic)*: Given the special importance the Republic of Tunisia attaches to the family and its concerns; in view of Tunisia's long and rich experience in the field of family policy, its structures and institutions, which have recently been developed both qualitatively and quantitatively, thus realizing one of the objectives of the new era; considering the special attention and daily follow-up the President of the Republic of Tunisia, His Excellency Mr. Zine El Abidine Ben Ali and of the political leadership of the country devote to economic, social and cultural programmes in favour of the family, which programmes have helped achieve several results; and considering the place that the Tunisia of 7 November occupies in Africa and the Arab world as the meeting point of two civilizations, the United Nations, in preparation for the International Year of the Family and at the invitation of the Tunisian Government, organized, in collaboration with the Economic Commission for Africa (ECA) and the Economic

and Social Commission for Western Asia (ESCWA), the United Nations Africa and Western Asia Preparatory Meeting for the International Year of the Family, which was held at Tunis, Tunisia, from 29 March through 2 April 1993. The Meeting was attended by representatives from 30 States members of ECA and 7 from ESCWA. Observers from a number of States, non-governmental and intergovernmental organizations and other competent agencies also attended together with representatives of the General Secretariat of the United Nations and some of its bodies.

In his opening address, the Prime Minister of Tunisia declared that the meeting represented an opportunity to exchange ideas, evaluate progress and discuss prospects for the future. He described the International Year of the Family as a mechanism to confront the problems families encounter at the national level and to reinforce the foundations of society. The Prime Minister added that the Tunisian Family Code reconciles traditional and progressive elements.

In a message addressed to the participants and read on his behalf, the United Nations Secretary-General called for the adoption of efficient measures to solve the extremely difficult problems of migrant families, refugees and other families with special needs. The Secretary-General also declared his solidarity with and support for actions in favour of the families of the world.

At its first session the Meeting elected as Chairman Dr. Nebiha Gueddana, the Tunisian Secretary of State to the Prime Minister in charge of Women's and Family Affairs, along with three Vice-Chairmen from Egypt, Swaziland and Guinea and two Rapporteurs from Lebanon and Cameroon. The Meeting also adopted the agenda and a draft organization of work. Agenda item 5 consisted of presentations of the situations of families in Africa and Western Asia; agenda item 6 was devoted to national and regional preparations for the International Year of the Family and agenda item 7 covered conclusions and recommendations on national and regional preparations for the celebration of the International Year of the Family and the follow-up thereto.

At its seventh session the Meeting adopted the report on its deliberations and the Declaration of Tunis. At that same session a non-governmental declaration was also adopted.

The Declaration of Tunis regards with great satisfaction the forward-looking policy of Tunisia and its President in favour of women and the family and reaffirms support for the United Nations for having declared 1994 the International Year of the Family. It expresses the hope that the International Year will afford us an opportunity to implement programmes aimed at ensuring cohesion, solidarity, justice, prosperity, well-being and peace to all the families of the world.

The Declaration also stressed that the family needs special care and attention and protection and maximum assistance if it is to discharge fully its responsibilities in conformity with the aims of the charters of the United Nations, the African States and the Arab League in terms of human rights, the promotion of woman's cause and the drive to eliminate all forms of discrimination against women.

The Tunis Declaration also highlighted the need for ensuring the implementation of and respect for a number of fundamental principles, namely respect for the rights and freedoms of the individual; rejection of all forms of violence, intolerance and religious bigotry, and sincere positive cooperation between peoples and nations. It also invited all Governments to pay special attention to rural families in developing countries, migrant families, poor families, the education of children and the responsibilities of parents therein. In addition, it asked all decision-makers to elaborate adequate legislation on the family and on ensuring equality for women and requested the international community to condemn injustice and all kinds of aggression, repression, violence and discrimination. It called on all the countries of the world to formulate strategies and policies to support the family, and to present such strategies and policies to the international community during the International Year of the Family.

I should like now to deal with the conclusions and recommendations of the meeting. After examination of the role of the family in both regions, and taking into account the national and regional activities in preparation of the International Year of the Family, the participants in the United Nations Africa and Western Asia preparatory meeting for the International Year adopted 43 conclusions and recommendations on family policy and the International Year, for presentation to Governments and organizations represented at this meeting for their examination and evaluation.

Those conclusions and recommendations deal with the following themes: family policy; economic functions of the family; economic and social security; demographic behavior; public services; the training of personnel providing services to families; the promotion of human rights; cultural strategy in the context of support for families; the protection of children; the promotion of women; the protection and promotion of disadvantaged and vulnerable family members; migrant and refugee families; family code and law; research in the field of family issues;

the proper management of family programmes; policies aimed at the prevention of future conflicts; and preparation for and follow-up to the International Year of the Family. Details of all these themes will be found in the relevant document.

Let me deal now with the situation of families in Africa and Western Asia. The document entitled "Impact of Social and Economic Changes on the African Family" describes programmes, functions and roles of the traditional African family; contains an analysis of the consequences of the African economic crisis of the 1980s; sets out structural-adjustment programmes; and deals with the impact of the socio-political evolution on the family.

The representative of ESCWA introduced a recent study entitled "The Impact of Socio-Economic Changes on the Arab Family". This study was based on the education and employment of Arab women as important factors in the promotion of Arab society. It also provided an abstract of the process of the transition of Arab society from traditionalism to modernism. It described the situation of the family in the labour-exporting countries of the region and analysed the changes in the functions of the family.

Other background papers dealt with the situation of the family in English-speaking and French-speaking countries of northern and western Africa. Most interventions and presentations dealt with the following issues: the role of the family; changes in the structure, functions and shape of the family; reproduction and health care for children; marriage and polygamy and efforts to curtail the latter; the importance of matters concerning women and their impact on the family; the emancipation and contribution of women; the elaboration of family policies in the social, economic and cultural contexts; the need to improve health services and education systems; the assumption by the State of the duty - set out in the constitution(s) and in legislation - to protect the family; personal-status codes; the revision and application of existing mechanisms; social problems, such as unemployment, the lack of education and delinquency; protection of the family as a social unit - a matter that all participants agreed was one of the main objectives of family policies - and the need for its being given the right to produce and educate children; the assurance of health care for everybody by the year 2000; food security; the establishment of global programmes of immunization and prevention; employment promotion; health care for handicapped and vulnerable people; the creation of social cohesion; the improvement of housing conditions; protection of the environment; migration to cities; the close correlation between family issues and population and the importance of the demographic component in family policy, especially in view of the fact that most of the countries of the region suffer from high demographic growth rates; the need to set up family-planning programmes and to improve the socio-economic conditions of families; the devastating impact on the family of civil wars and natural catastrophes; the problem of refugees and dispersion of members of the same family; and the disastrous effects of the acts of terrorism perpetrated in the name of traditionalist religious ideas.

Item 6 of the agenda - national and regional preparations for the International Year of the Family - was introduced by the Coordinator of the International Year, who mentioned major activities to celebrate the Year. These activities, which are crucial to the Year's success, are as follows: the organization of a campaign to promote awareness, among authorities, organizations and the general public, of the principles and objectives of the International Year of the Family; the adoption of family legislation based on international declarations and covenants; and the improvement and promulgation of national family policies.

The Coordinator mentioned also the importance of the exchange of information and experience in preparation for the celebration of the Year. All participants expressed satisfaction with the proclamation of the Year, considering it an excellent opportunity to develop public awareness of family issues. The meeting was informed of the institutional arrangements - those that have already been made and those that are under way - for the preparation and celebration of the Year. All participants agreed on the establishment of a national committees of coordination as a first step towards the celebration. In most countries these committees were chaired by important political figures, and they comprised representatives of governmental and non-governmental organizations.

The active participation of non-governmental organizations and the need to involve all social sectors and categories in the committees were underscored.

Many representatives announced the adoption of national programmes of action for the family, women and children within the framework of the International Year of the Family. A number of participants stressed that the Year should not be an end in itself, but should be part of a long-term process in favour of the family.

At the closing ceremony, the Coordinator for the Year paid special tribute to a number of African and Western Asian representatives and coordinating committees for their exemplary contribution and support to the International Year of the Family.

All participants thanked the Government of Tunisia for its having generously hosted the meeting.

The PRESIDENT: I call next on His Excellency Mr. Louis Galea, Minister for Home Affairs and Social Development of Malta, Chairman of the Europe and North America Preparatory Meeting for the International Year of the Family, which was held in Malta.

Mr. GALEA (Malta): Humankind has been shifting, with some discomfort, in its seat on this small planet in anxious self-examination, for it has much to reflect upon in terms of peace, social justice and environmental management. With the coming International Year of the Family, this self-examination has finally come to include the mechanism by which humankind reproduces itself and creates its future: the family.

I have the honour to report to the Assembly on behalf of the Europe and North America Preparatory Meeting, held in April this year, in relation to the forthcoming International Year of the Family. It was held in our capital city, Valletta - an appropriate choice, perhaps, in view of the international initiatives Malta has taken in the past to promote the rights of future generations. As part of Malta's own preparations for 1994, we also hosted and joined in organizing the World NGO Forum on Launching the International Year of the Family; that successful Forum took place only last week. Both occasions were organized with the full cooperation of the United Nations Office at Vienna under the able leadership of the Coordinator for the International Year of the Family, Mr. Henryk J. Sokalski, they served to renew my Government's commitment to participate actively in international political, social and economic activities that bear on the destiny of future generations, future families.

The family is always an intensely debated subject, both in intellectual and political circles, and at the local and the international levels. In a way, the emotions with which the family is discussed characterize the importance of families and the utmost consideration given to the family in all debating circles. The family is the smallest nurturing unit responsible for shaping tomorrow's society. If we envision a world of peace, justice and solidarity, then we have to ensure that today's families are empowered to nurture these values, which are shared within the international community. The debate on what constitutes a family becomes sterile if we do not ensure that violence, poverty, inequality, exploitation and oppression do not constitute the basis of our families. Otherwise we will be shaping a future that will mirror all that is negative in today's society.

I believe that the reflections the Secretary-General shared with us this morning are of great significance, as they constitute continued evidence of the emerging general consensus that any attempt to shape a better future for the international community must start with addressing the immediate concerns of today's families.

Those are my own beliefs and the basis of my country's family policy. We are not involved in some type of social engineering. However, we are involved in ensuring that the State play an active role in eliminating all the negative forces which influence this basic cell of our democracy, while supporting all the positive forces which enhance the family. We are, so to speak, in the family business, in full partnership with the families themselves, and in full partnership with the non-government sector, the importance of which was appropriately highlighted this morning by Mrs. Donna Shalala, Secretary of Health and Human Services of the United States.

The Valletta Declaration issued in April by the Europe and North America Preparatory Meeting represents a wide-ranging commitment to the family. At the level of social policy, this commitment includes promoting policies that enhance the quality of life for families and their members; considering social and economic policies in a holistic family perspective; and sharing information and other resources at the regional and international levels.

As regards work in and out of the home this regional commitment includes: humanizing conditions of work in accordance with the needs of the family and supporting the equal sharing of family functions.

As regards direct support to be given to various kinds of families by State and non-governmental organizations, the commitment includes: ensuring that there is education and information about parenting; providing support services for all families and individuals responsible for child-rearing; responding to the changing needs of families over their life-cycle; giving special consideration to families with special needs; and eliminating all forms of violence and abuse within families.

As members can see, the Governments of our region were concerned at this important event that policies towards the family should equip parents with skills and should be holistic, compassionate and responsive to special needs. This establishes a foundation for national, regional and international action. The Valletta Declaration invited the United Nations and other intergovernmental organizations to encourage and support regional cooperation with regard to family matters. It invited policy-makers to integrate the objectives of the International Year of the Family into their work. And it

invites Member States to support other future international events of direct relevance to the family. It urged Governments to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and to implement the measures specified in those instruments.

When we, as Governments or as individuals, discuss social welfare and individual responsibility, educational systems, taxation systems, law and order, or crime and punishment, we inevitably come to basic questions about the present and future of the family. And to face those questions we have to ask even more basic questions about the nature of the human experience.

During the Malta Preparatory Meeting we saw that there are various processes in which families are becoming different and sometimes more vulnerable; these generate a variety of family-related problems and a new awareness of these problems. Many of these problems themselves, and many of the debates about how these problems should be addressed by the State and other social actors, are related to three polarizations of the human experience, which are immersed in culture and social structure, in the law and in value systems.

The male-female polarity is reflected in many issues such as the nature of the couple's pact, how much role difference is appropriate; inheritance laws; family violence; and how much parenting needs to be exercised by each gender. This last item is a social policy issue that impinges, for example, on parental leave and family leave policies.

The adult-child polarity is reflected in the relative socio-legal rights of each side over the other, both in normal circumstances and in special ones such as adoption, family breakdown and family violence - a question in which States, and even the United Nations, have recently been intervening.

The polarity of individual freedoms versus the intensely united family presents us with ideological positions, and unspoken assumptions about this polarity have a great deal of influence upon social policy in regards to marriage, new forms of family, taxation, social welfare, social security policies and benefits, home care for the elderly, and so on. In some of the countries of the region, the marriage bond has become a device for ensuring the happiness of the individual contracting parties. Perhaps this polarity is a special case of the perennial "self" versus "other" dichotomy, which I shall not go into here except to note that even the formation of a "self" and of the first "self-other" relationships is usually determined with the family.

It is inevitable that we face our own countries' positions on these three polarities during the coming International Year of the Family, for humankind is recreating itself and its own future through the family, and we would be simply stumbling blindly if we did not take stock of where we are going, where we want to go, and what we want to be on this journey to the future.

During the Malta meeting, we reflected on the extent to which our region - Europe and North America - finds itself on a different point in the balance of each of these polarities when compared to other regions. But the balance is changing in all regions of the world and the search for a new balance continues, with interregional influence through the communications media and population movements such as migration, tourism and refugees. Whether we like it or not and whether we are worthy of it or not, our region's fashions and convictions on all these polarities often make us leaders - and, not infrequently, scapegoats - to journalists, politicians and television viewers in other regions of the world. And so, whether we are blazing new trails or reaching back respectfully to learn from the other regions, we have grave responsibilities for the future of the world.

It is interesting and important to see that in each of these polarities - male-female, child-adult and individual-family - harmony is achieved not by one extreme nor even by the balance or mean of opposite poles. Rather, harmony is achieved in such a framework that fulfilment or development in one pole is, in some sense, brought about through the other pole rather than by some jealous opposition to it. This idea does not exclude creative conflict, as it accommodates those conflicts that are aimed at establishing this special kind of balance and of removing obstacles to it.

To illustrate this from the polarity of individual freedoms versus the intensely united family, we see that individualism often has a dark side of loneliness, soaring divorce rates, alienation and so on, while intensely united families often have their dark side of possessiveness and intolerance of individual freedom, rights and dignity. The minimization of these dark sides occurs not in some happy mean or half-way path between the two extremes, but in a situation where it is the close family that explicitly tries to fulfil itself by bringing its individual members to self-realization and the fulfilment of their potentials and freedoms; and where, conversely, it is the individual person who tries to fulfil herself or himself by contributing to the care and development of the family.

The achievement of this "one-pole-in-another" harmony is sometimes a matter of education and role models, and in other cases it is a matter of social structures

and policies that provide the correct incentives and mechanisms. But this science of harmony seems well on the way to being lost from public view as far as the family is concerned, and many societal trends in our region and the world constantly remind us that we have to renew our public allegiance to it in order to ensure the world of a future - a human future.

The family is the focus in which the State, through its social and educational policies, can delicately and wisely use such a science of harmony in order to help form the next generations and the peaceful, united humankind which is the ideal of the United Nations. A loving family is the place where many fortunate people intuitively learn such a science of harmony, but in regards to those many cases of families and communities in which the harmony was never attempted or where violent or coercive forces have broken it down, societies and States should show and encourage compassion.

During the Malta meeting, it was confirmed that the days of arbitrary authority are gone from our region. In promoting the family, there is no turning back the clock: The old family regime must be replaced by one in which there is a new high level of interpersonal and shared responsibility. Families and their young, adult and aged members must have incentives and encouragement to move towards a responsive autonomy. The achievement and exercise of this autonomy requires love and compassion in families. Governments and social planners must be careful to ensure that their social policies do not erode these values or give counter-incentives to them.

But the achievement and exercise of responsive autonomy also demands certain skills which must be made available through education in life skills and parenting; the participation of various members in family management and of families in local community affairs; and in wider socio-political processes. Real participation can be enhanced by the orientation of the legal system, the design of various social development and social welfare programmes, and non-governmental organizations.

Self-help, community-based action, self-esteem and confidence are central to empowerment. Some of this self-esteem in families with problems can come from their being encouraged and enabled to help other families. This is a technique some social workers use. And empowerment is infectious - it is passed on. All this mobilizes previously unused resources and will accelerate progress on the road to a caring society.

In the words of Aeschylus: "It is easy when we are prosperous to give advice to the afflicted." Alienated youth, abandoned or abused children, disabled family members, battered women, inadequate parents, single parents, widows and the elderly must especially be empowered with skills, social recognition and the physical and economic means to fulfil their human potential and to help others who are in need. Effective rehabilitation programmes are needed. Families must be empowered with understandings, skills and sensitivity so that they can accept these special categories of persons as fully participating members, and programmes of research and action must be set up to identify and eradicate the causes of such problems.

Whole families in distress, such as the 44 million refugees and uprooted people; families in need of counsel or in trauma; families living in destitution; and families living in fear or under racial discrimination or xenophobia cry out for our professional and compassionate support, continually and not just in 1994. But during the International Year of the Family, let us be responsible for the creation, evaluation and improvement of preventive and curative programmes and institutions that support these families in distress, as well as programmes and structures that help ordinary families to move towards responsive autonomy and the united and peaceful humankind of the future for which we all wish for this small planet.

At Valletta, we have set ourselves an ambitious programme of action, a programme which indicates that every year should be dedicated to the family, since 1994, the International Year of the Family, will come and go. At the end of this year, we can either celebrate a new beginning or mourn an opportunity lost. The family, as the basic social unit of all societies, has always been and remains vital to our global future. This fundamental recognition must be mirrored in a continued commitment to concerted action at the international level and a viable follow-up in the United Nations programme on families in the development process. At Valletta, we witnessed the evidence that such a commitment is possible and necessary. We predict that this commitment will be shared by the entire family of nations.

The PRESIDENT: I now call on the Permanent Representative of the People's Republic of China, who will speak on behalf of the host country of the Asia and Pacific Preparatory Meeting for the International Year of the Family.

Mr. LI Zhaoxing (China) *(interpretation from Chinese):* It is a great honour for me to speak here today as the representative of the host country of the Asia and Pacific Preparatory Meeting for the International Year of the Family.

We are pleased to note that since the adoption of resolution 44/82 by the General Assembly at its forty-fourth session, a number of activities have been carried out in various regions to prepare for and celebrate the United Nations International Year of the Family proclaimed by that resolution.

At the invitation of the Chinese Government, the Asia and Pacific Preparatory Meeting for the International Year of the Family was held in Beijing from 24 to 28 May 1993. Participants in the meeting included representatives or observers from 26 countries and regions, 17 United Nations agencies and non-governmental organizations; and officials from United Nations Headquarters, the United Nations Office in Vienna, and the Economic and Social Commission for Asia and the Pacific (ESCAP).

At the meeting, Mr. Sokalski, Coordinator for the International Year of the Family, and Mr. Roy, Chief of the Social Development Division of ESCAP, read out, respectively, telegrammes of congratulation from Mr. Boutros Boutros-Ghali, United Nations Secretary-General, and Mr. Ahmed, Executive Secretary of ESCAP. The Chinese Government attaches great importance to that meeting. Madame Peng Peiyun, State Councillor and Chairman of the Commission on the Work of Women and Children of the State Council, spoke at the meeting on behalf of the Chinese Government, and Madame Chen Muhua, Vice-Chairman of the Standing Committee of the National People's Congress, delivered a statement at the closing ceremony.

At the meeting, extensive and lively discussions were conducted on such issues as families in the Asia and Pacific region, preparations for and commemorative activities relating to the Year by countries in the region and by the region as a whole, and follow-up actions. China and many other countries pledged donations to the Voluntary Fund for the Year. The meeting also adopted the Beijing Declaration on the Family in Asia and the Pacific and a report containing 52 recommendations. In the course of the meeting, participants also made field visits to the Capital Iron and Steel Complex and its living quarters in Beijing and visited some families there to get firsthand information. The meeting was both successful and fruitful and won high praise from the participants and the relevant departments of the United Nations. As the host country, we feel greatly honoured to have been able to contribute to the success of the meeting.

The Beijing Declaration, adopted at that meeting, reaffirmed that the family is the fundamental unit of society and is entitled to protection by society and the State. It emphasized that every family is entitled to adequate resources and basic services to ensure the well-being of each of its members and, consequently, a life of quality for the family as a whole. It also stressed that gender equality, particularly equal opportunity for women as regards employment, and the sharing of parental responsibilities between men and women, should be essential elements of a family policy.

In the Declaration all of the Governments in the ESCAP region were urged to formulate or adjust their policies, plans and programmes in accordance with the recommendations contained in the report of the meeting, promote family development, strengthen the role and functions of the family in development, further intensify their preparations for the Year, and undertake appropriate activities in commemoration of the Year. It also asked those Governments that had not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to do so without delay and to adopt measures to implement these Conventions. We believe that all the achievements of the meeting will play an important role in enhancing the activities in commemoration of the Year carried out by the Asia-Pacific countries and in strengthening the development of the family, thus promoting social progress and economic development.

The Government of China has always attached great importance to the role of the family and, in accordance with conditions in China, we have launched many family-related activities, such as the setting of standards for model families and the promotion of family values. All of these activities have helped improve the quality of the family and its members. We consider that the family is the nucleus of society and that it has multifaceted social functions.

China has more than 200 million families. Management of a State and management of a family are complementary, and happy and harmonious families are without question conducive to the maintenance of social stability, the development of civilization, the promotion of reform and development, and the enhancement of the strength of the nation and the quality of life of its people. Therefore the Chinese Government appreciates and supports the United Nations International Year of the Family, approves of its purposes and principles and is willing to participate actively in various commemorative activities and follow-up actions. We have set up a national commission for the Year and have formulated a national plan, which is being vigorously implemented.

Countries in the Asia-Pacific region and other regions have done a great deal of work in preparation for the celebration of the Year. I wish to congratulate them, and I should like once again to express my sincere hope that

the work of the International Year of the Family in 1994 will be crowned with success.

The PRESIDENT: I now call on the First Lady of the Republic of Colombia, Her Excellency Ana Milena Muñoz de Gaviria, who will speak on behalf of the host country of the Latin America and the Caribbean Preparatory Meeting for the International Year of the Family.

Mrs. MUÑOZ DE GAVIRIA (Colombia) *(interpretation from Spanish)*: I am here today as a member of the Latin American and the Caribbean family to present the results of our work in connection with the subject of the family, and also to submit to you the Declaration adopted at the regional meeting which took place in the city of Cartagena last August, with the co-sponsorship of the Economic Commission for Latin America and the Caribbean (ECLAC) and the Government of Colombia.

Having great ethnic diversity and cultural heterogeneity, our countries have a wide range of family structures and dynamics. We speak different languages; we are different: but we have many things in common. The majority of our countries share trends that affect the composition, the structure and the functioning of families: demographic transition, poverty, inequities in the distribution of income, rapid socio-cultural change, and the progressive transformation of the role of the State.

Throughout most of Latin America, the debt crisis, the exhaustion of the import substitution model in the 1980s - which led to low and negative growth rates and to an economic recession - and subsequent adjustment processes in the 1990s resulted in increased poverty. This is reflected in an erosion of real wages, in increased unemployment and in reduced investment in the social sphere. Some 44 per cent of the region's population is living in poverty. That situation led to an increase in the number of women participating in the labour force, while at the same time not relinquishing their non-remunerated domestic work. In addition, other family members, youths and children, also entered the labour force.

Despite this rise in the family labour force, total household income decreased by 10 per cent, affecting consumption patterns, which became centred principally round food, leaving basic needs such as health, education and housing unmet.

In general terms, it can be stated that the increase in poor families in the region led to a rapid transformation of traditional family models, with the subsequent breakdown of historical gender roles.

Today there are very many children and youths working, as can be seen in the increase in school dropout rates, street children, child prostitution and juvenile delinquency. All this calls for the adoption of programmes which, within the framework of plans of action in support of children, contribute to addressing these situations that undermine their rights and reduce their chances for dignified integration into society and the development process.

Though average family size has decreased, that decrease is not evident in the lowest strata of the population. Low educational levels, early initiation into sexual activity and early pregnancies result in a greater probability of bearing more children and not having a permanent partner, thus limiting job performance and propagating poverty.

On the other hand, a greater number of women are entering the labour force, filling at one and the same time the role of provider, anchor and authority figure in the family. This multiplicity of roles can engender destructive behaviour and violence within the family. Similarly, many other women act as heads of family and main providers of income, and it is they who bear the children.

Under these circumstances, our task was to promote agreement between Governments not only on a policy statement reflecting the region's priorities on this subject of such meaningful community, social and political relevance, but also on a document that, based on the identification of our common problems, would set some guidelines that would serve as a framework for government action in each country.

In its capacity as host country, Colombia proposed to go beyond the guidelines of the United Nations and the Economic Commission for Latin America and the Caribbean (ECLAC) by sponsoring a preparatory meeting in Bogotá. That meeting took place in June of this year. Representatives discussed, according to their national assessments, the possible guidelines for a regional policy. The results were discussed and analysed in a technical meeting prior to the governmental one where the Cartagena Declaration and the Regional Proposal for the Elaboration of Action Guidelines in Support of the Families of Latin America and the Caribbean were finally adopted.

The Cartagena Declaration expresses the will of Governments to work towards the formulation of policies promoting the integrated development of the family within the framework of the International Year of the Family and the International Conference on Population and Development, the World Conference on Women, and the World Summit for Social Development. The Regional

Proposal for the Elaboration of Guidelines in Support of the Families of Latin America and the Caribbean is intended to serve as a guide for making the principles of the Declaration operational.

The spheres of action agreed upon by the participating countries included the following components: making the family a focal point of our economic and social development policies; reviewing legislation in order to guarantee the rights of all family members and access to the judicial system; strengthening governmental and private support services, research and human resource development; and promoting communication and information strategies. We also agreed to give impetus to cultural-development policies that would revitalize the family unit, taking into account ethnic and cultural diversity. We hope the joint international cooperative effort to put the family at the centre of our policies within all countries will become a movement in reaffirmation of the regional integration processes we have been promoting.

Finally, the International Year of the Family is seen by the 23 participating countries as a call to Governments and societies to define lasting policies and programmes that will strengthen the family as the most fundamental unit of society.

We understand that not all the problems and needs of the family are economic ones that can be solved with money. Sustained action is necessary to preserve and promote such values as respect, mutual aid and tolerance, which are essential to ensure harmony in the family and in society.

Allow me to emphasize once again three basic themes that have been analysed both at Cartagena and in other international forums in recent months: the role of the communications media, of education and of parents in the family.

The media, especially television, have a socializing and motivating effect on individual and collective behaviour, roles and patterns in the family, especially for the new generations. Without any doubt, television is one of the most economical and widespread forms of recreation. Therefore, there is an ever-growing exposure to its messages and the tendency to imitate them. The frustrations that are engendered, owing in great part to the impossibility of satisfying aspirations to consumption at the level depicted in the media, find an easy outlet in violent behaviour that is repeated irresponsibly and is presented as normal.

Deceit, extortion, infidelity, corruption, fraud, pornography, violence and verbal and physical aggression are the most frequent themes in the media. It is imperative that the State, while safeguarding freedom of expression, promote improvement of the quality of broadcasts through systems of self-regulation and citizen participation and that it exercise responsible vigilance. We also know that it is important to strengthen the concept that parents bear primary responsibility for their children and that the responsibility of the State and society is to contribute to that task, not to take the place of parents in the fulfilment of their obligations.

While the family remains the primary centre of emotional life and the fundamental carrier of the basic ethical and moral notions of life, formal education complements this task of strengthening values. That is why it is imperative that children attend school and stay in the educational system. In the scholastic curriculum we need to strengthen the emphasis on values such as loyalty, fidelity, mutual support and affection as indispensable elements for stability and peace within the family.

Latin America and the Caribbean have made technical and academic efforts; now we must move into action. We do not want the International Year of the Family to be just another celebration; rather, we want our commitment to make a real contribution to changing the living conditions of our families.

This opportunity must be seized to ensure that, through its various organs, the United Nations, in its efforts to modernize and maximize existing resources, supports the proposals and initiatives of the countries of the region and channels new resources to that end.

I did not come here to make just another speech in this Hall, where many voices and proposals are heard. I want my words to demonstrate the commitment of our region to its peoples, of our countries to their inhabitants and of millions of human beings to improving their living conditions and those of future generations. I am certain that this commitment by our Governments, communities, civil society and churches to participate actively in this process must be a commitment shared by all and that it must be renewed each and every day.

We cannot ignore the fact that the conditions for peace and democracy in our countries, as well as in countries in other regions, are predicated to a large extent on the peace of the family, and the peace of the family depends on meeting the basic needs of its members. We know that social imbalances caused by inequity in the distribution of goods or the lack or nonexistence of services are some of most destabilizing factors in countries, factors that make them difficult to govern.

Simón Bolívar, the liberator, said that the best system of government is the one that produces the greatest possible happiness, the greatest social well-being and the greatest political stability. When the countries of Latin America and the Caribbean improve the quality of life of families and provide greater social security, they will be marching towards the conquest of the happiness and peace that are desired so much and that are essential for the stability and development of our nations.

The PRESIDENT: In order that we may proceed to the special non-governmental-organization segment of our programme scheduled for this morning, I propose that we hear the remaining speakers for the present meeting after that segment, for which special logistical arrangements have been made.

I shall now suspend the meeting and shall immediately have the honour of presiding over the special segment devoted to the community of non-governmental organizations and its activities in support of the International Year of the Family.

The meeting was suspended at 12.10 p.m. and resumed at 1.05 p.m.

The PRESIDENT: We shall now hear the remaining speaker on the occasion of the launching of the International Year of the Family.

I call on the representative of Angola, His Excellency Mr. Afonso Van Dunem "Mbinda", who will speak on behalf of the African Group.

Mr. VAN DUNEM "MBINDA" (Angola): It is a great honour for me to address the Assembly on behalf of the African Group on this important occasion as we celebrate the launching of the International Year of the Family, which will last throughout 1994.

Allow me, first of all, to reiterate our appreciation for the way in which you, Mr. President, have led the work of this forty-eighth session of the General Assembly. I also wish to congratulate the Secretary-General, Mr. Boutros-Ghali, for the comprehensive and detailed report we have before us in document A/48/293.

The African continent attaches particular importance to the celebration of the International Year of the Family because it will be a starting-point for the definition and implementation of strategies for greater integration of the African family into society. In fact, the African Governments have shown a practical commitment to that goal, as illustrated in the Tunis Declaration, adopted at the Preparatory Meeting held from 29 March to 2 April 1993 in Tunisia, which contains the guidelines on the direction the continent is to take in order to ensure the protection and development of the family.

On the other hand, the fact that various African countries have in considerable number already established national coordination mechanisms, drafted their respective national action programmes and set up national liaison centres to serve as the liaison to the Secretariat, within the framework of the International Year of the Family, also reflects their firm commitment *vis-à-vis* the problems of the family.

Such engagements are part of the efforts that the African Governments have made lately in the social area. Although such efforts have already produced some positive and encouraging results, they are being hampered by the severe economic and financial crisis facing the continent, by political and military instability and by natural disasters such as drought and the constant influx of refugees and displaced persons. These negative factors have contributed to the increasing lack of participation of the African family in society and the deterioration of its living conditions, as well as the suspension or non-materialization of numerous programmes with social impact.

If this trend is to be reversed, there is a need for an increase in human, material and financial resources and for better coordination of programmes and development policies, not only at the national and local levels but also at the regional and international levels. Although the Governments are the main sponsors of these efforts, the United Nations, its specialized agencies and the non-governmental organizations must also play an important role.

The family, as a fundamental nuclear group, has an essential and irreplaceable role to play in any society in the maintenance of sustainable development at every level. It should be given wide support by the State, which must endeavour to eliminate poverty and indigence by providing adequate health care - including medical assistance, medicine and food to the needy - and to protect the legal rights of its people.

Special attention must be given to the children, the most vulnerable group. Although the number of countries that have already ratified the international Convention on the Rights of the Child is quite encouraging and shows their commitment to protecting children and their lives, there is still a long way to go until all children's rights have been fully recognized.

The armed conflicts that plague many parts of the world - in Africa - particularly in Angola, Somalia and

Liberia - represent a further threat to the rights of the child. Therefore, we share the views of the Committee on the Rights of the Child as set forth in its recommendation for the adoption of measures to provide assistance to children in war zones.

We have little time in which to say many things, so I will be brief.

The successes achieved in the preparation of the International Year of the Family are numerous and justify the highest expectations for the implementation of the national action programmes. However, we are concerned that in many countries - those affected by war or ethnic strife - no action has yet been taken to observe the occasion of the celebration of the International Year of the Family. We are equally concerned by the lack of funds and human resources available to the Secretariat for the activities of the Year.

Therefore, the African Group fully supports the recommendations contained in the report to ensure that the International Year of the Family attains its goals, namely: promotion of the International Year by the observing countries, at the national and local levels, with full participation by all segments of society; specific support for and implementation of development policies and programmes, and support for institutional development and family law; and follow-up of the Year and development of long-term strategies to guide future actions of support for the family.

The African Group also associates itself with the recommendations made by the agencies in charge of the preparation and coordination of the Year, in which they request from the Secretary-General, *inter alia*, the formulation of follow-up measures and the presentation of a report, at the fiftieth session of the General Assembly, on the celebration of the International Year at the national, regional and international levels.

Before I conclude, I wish to commend the non-governmental organizations for the efforts they have made. They have played a leading role in taking charge of the preparations for the celebration of the Year, in supporting the efforts of the Secretariat of the International Year of the Family, including its efforts to pursue a media and awareness campaign, and in providing organizational assistance.

Our appreciation goes also to the intergovernmental organizations, which also have spared no effort in disseminating information, holding meetings and seminars and providing advice on the devising of policies aimed at the success of the International Year of the Family.

The PRESIDENT: I now call on the representative of Japan, His Excellency Mr. Shunji Maruyama, who will speak on behalf of the Asian Group.

Mr. MARUYAMA (Japan): On behalf of the Asian Group, I have the pleasure of addressing this plenary meeting of the General Assembly on the occasion of the launching of the International Year of the Family.

Before commencing my remarks, I should like to express my appreciation to Mr. Henryk J. Sokalski, Coordinator for the International Year of the Family, for overseeing the preparations for this important undertaking so successfully.

It is universally recognized that the family is the basic unit of society. It is a major agent of social development, with a critically important role to play in promoting the well-being of the larger social entities that are built on it. Everywhere, the family provides financial, emotional and other support to its members, particularly children, working adults and the aged, which is why it must in turn have the protection and support of society and the State, as stipulated in the Universal Declaration of Human Rights.

Family structure and functions are affected by social and economic development and by cultural factors, including the roles that men, women and children play in society. Many of the changes that are now taking place are therefore having an adverse effect, particularly on the disadvantaged. The International Year of the Family is a valuable opportunity to enhance awareness of the needs of the family. As the efforts of the United Nations in the area of social development will remain inadequate so long as it fails to address in a direct manner the problems and concerns of the family, the activities it is promoting in connection with the Year are a welcome indication that it intends to become more actively involved in this area.

In Asia, nations differ widely with respect to size, climate, culture and level of development, and consequently so too does family structure. Everywhere, however, social stability and economic progress have been built on the foundation the family provides. One might even suggest that the state of the family is a reliable indicator of the state of the society.

Today, in all parts of the world, there is a trend towards smaller families, which perhaps diminishes the ability of this basic social group to care for its members, particularly children and the elderly. Throughout Asia, despite the great diversity of its cultural, social and economic conditions, the nuclear family is becoming more common, replacing to some extent the large, extended family which had been the norm. Given the rapid changes

that have taken place at the local and national levels in the course of development, States must accordingly devote additional attention to adopting national policies and programmes that will ensure the well-being of the family.

It is of particular importance to formulate a programme that will enhance respect for the rights, responsibilities and contributions of all family members by promoting the principle of gender equality, and in particular the equal sharing of family responsibilities by men and women. This principle must be more widely recognized than it is at present, when a growing number of women are entering the labour market. If the family is to continue to play a vital role in society, the burden of its work must be distributed more equitably between men and women. In order to ensure that family life continues to be nurturing and loving, responsibilities must be shared. The democratic family is truly the cradle of the democratic society; this is the idea behind the slogan of the International Year, "The Smallest Democracy at the Heart of Society." Children must be taught by their parents and other family members, from the time they are old enough to understand, the basic principle of human rights: that all people are created equal.

I have the pleasure of noting that the preparatory work for the International Year of the Family has been carried out efficiently, greatly enhancing the chances that the Year's objectives will be achieved. At their Preparatory Meeting, representatives of Asian and Pacific nations adopted the Beijing Declaration on the Family, which includes a request that Governments direct their policies, plans and programmes towards promoting family development and towards strengthening the role and the functions of the family in contributing to national development. The nations of Asia and the Pacific further recognize the important contributions of the non-governmental organizations in promoting the role of the family in development and have devoted particular attention to the role and status of women within the family.

In conclusion, I wish to say that the nations of Asia are committed to achieving a successful outcome of the International Year of the Family. We are convinced that the family must play an increasingly important role if generations to come are to live their lives to the fullest, in safety and health, in stable and supportive communities and nations. To do this, it is in turn necessary for the members of the family to form a partnership based on mutual respect. We pledge our active participation in the activities during the Year and look forward to gaining a new understanding of this most fundamental of all social institutions, whose welfare is critical to the future of society. We expect that the international conference on families, to be held a year from now, will provide us with an opportunity to evaluate the activities we shall undertake from now on and to propose the most appropriate follow-up measures.

The PRESIDENT: I now call on the representative of the former Yugoslav Republic of Macedonia, who will speak on behalf of the Group of Eastern European States.

Mr. MALESKI (the former Yugoslav Republic of Macedonia): I have the honour, on behalf of the members of the Group of Eastern European States, to congratulate you, Mr. President, and the Assembly on the launching of the International Year of the Family, and to pledge the full support of the Group and of my delegation for this noble cause.

At the outset, allow me to express my appreciation for the inspiring and systematic report (A/48/293) of the Secretary-General, Mr. Boutros Boutros-Ghali, which serves both as an important source of information on the subject and as an inspiring set of guidelines for future action.

This is an opportune time to pay a well-deserved tribute to the 102 countries that have established their national coordinating committees and similar mechanisms for the Year, the 90 countries that have initiated the observance of the Year, and the 90 Governments that have designated national focal points to maintain liaison with the Secretariat of the United Nations for the Year.

The non-governmental sector has continued and reinforced its pioneering role through its significant partnership in the preparations for the Year, serving as an effective advocate and vital force in generating and implementing concrete measures.

Our congratulations go to the academic and research institutions that are continuing to make specific plans to prepare for and observe the Year and to the private sector for its support of the cause.

Throughout history, the family has outlived numerous forms of social organization and has remained the basic unit of society. In times of crisis - when empires fall, when countries tear themselves apart or when personal liberty is threatened - individuals turn to the family for comfort and strength. Living amid collapsing State structures, many in Eastern Europe have understood the real value of some basic truths: peace, family, a happy childhood and a roof over one's head.

Technically, human society has advanced so much that we can look forward to a future in which the material needs of families will be fully satisfied. But the horrors of

ethnic strife, which are a reality in Eastern Europe today, clearly demonstrate that scientific advancement has nothing to do with moral progress. While each succeeding generation can claim that it is technically more advanced than the previous generation, that cannot be said of humanity's moral dimension.

What should our reaction to this unpleasant fact of life be? The answer is that every generation must start with the alphabet of moral behaviour, and the first lessons we get are in the family.

The PRESIDENT: I now call on the representative of Ecuador, who will speak on behalf of the Latin American and Caribbean Group.

Mr. PONCE (Ecuador) *(interpretation from Spanish)*: Combining academic rigour and deep feeling, Mrs. Ana Milena Muñoz de Gaviria, First Lady of Colombia, presented to the Assembly the results of the regional preparatory meeting of Latin America and the Caribbean for the International Year of the Family. The proposals and guidelines of the Cartagena Declaration chart the course to be followed by the States of the region in their common effort to strengthen the role of the family.

Our region draws strength from the cultural values of our indigenous communities and from the African and European contributions that for five centuries have enriched our multi-ethnic, pluri-cultural societies. In the past, the family was the basic nucleus of our societies, and today it is an important mechanism for helping solve the complex problems afflicting our nations.

The economic difficulties we are going through - the result, in large measure, of an unjust international economic order in which we are burdened with heavy external-debt servicing and trade relations in which protectionism refuses to go away - have not been resolved through the economic readjustment policies we have adopted. Unemployment, the massive incorporation of women into the labour market, and child labour are other elements of our economic reality that affect the transformation of the structure and the role of the family in our social relations.

To these economic factors have been added cultural phenomena. Among other things, the increase in the number of families supported solely by women, sustained high rates of rural migration, and the spread of models of consumption that undermine ethical values and solidarity, with the violence that results therefrom, have affected the role traditionally played by the family in the societies of Latin America and the Caribbean.

Parallel with these processes, there have been social movements in our region that show the capacity of the neediest sectors, and especially of women, to adopt survival strategies based on solidarity. Neighbourhood associations, parents' associations, environmental-protection associations and others have widened their field of action and now constitute important groups to which our Governments are paying more and more attention in the development of meaningful social programmes. Coordinated action by our States, backed by international cooperation, including the valuable contribution of non-governmental organizations, as is stated in the Cartagena Declaration, will make it possible for our peoples' creativity to be channelled in defence of the family as a fundamental means of strengthening the ethical education of our citizens and the coherence of our societies.

On behalf of the members of the Latin American and Caribbean Group, I have the honour to reaffirm the commitment of the Governments of Latin America and the Caribbean to the objectives inspiring the proclamation of 1994 as the International Year of the Family.

The PRESIDENT: I now call on His Excellency Mr. Pedro Catarino of Portugal, who will speak on behalf of the Group of Western European and Other States.

Mr. CATARINO (Portugal): I have the honour to speak in my capacity as Chairman of the Group of Western European and Other States for the current month of December.

The decision to proclaim 1994 the International Year of the Family was taken exactly four years ago, in General Assembly resolution 44/82. By that resolution the Assembly established the basic principles and objectives for the International Year. It also decided that the major activities for the observance of the Year should be concentrated at the local, regional and national levels, with the assistance of the United Nations and its system of organizations, with the goal of creating among Governments, policy makers and the public at large a greater awareness of the family as the natural and fundamental unit of society.

Since the proclamation of the Year, an intense and comprehensive preparatory process has been carried out at all levels. The continuity and promotion of the whole process was assured by the professional, competent and dedicated action of the Coordinator for the Year, appointed by the Secretary-General in 1990, and of the small organizational secretariat that assisted him. To Mr. Sokalski and his collaborators goes our sincere appreciation for their hard work and for the large part they have played in the success of the preparations for the Year.

Substantive direction for that process was provided by successive sessions of the General Assembly, while the Economic and Social Council served as coordinating body and the Commission for Social Development was designated the preparatory body for the Year. Many other bodies and agencies participated actively in the process, thus ensuring a system-wide approach to the preparation and observance of the Year.

The role played by non-governmental organizations in this process was also of paramount importance, and it is no exaggeration to say that a fair share of the success of the Year will be the direct result of their contributions.

The level of adherence to the preparatory process at the national level was probably the best demonstration of the interest in this initiative. At least 102 countries have established national coordinating committees or similar mechanisms, and at least 90 have initiated national programmes for the observance of the Year. We must ensure - and that will be one of the challenges of the forthcoming celebrations - that those national programmes result in commitments that will be translated into concrete actions and long - term strategies in favour of families. In this context, the full application of already existing instruments relevant to the subject should be one of the principal aims of the International Year.

We must indeed ensure that all the ideas, recommendations, programmes and commitments that have already been, and will surely continue to be, put forward will lead to concrete actions and measures, ones that will have a positive and long-lasting effect in the promotion of the principles and objectives of the International Year.

Our basic aim will be to promote the widest possible protection and assistance to families, in all their diverse forms, as the basic unit of society, so that they may fully assume their responsibilities within the community, ensuring at the same time the promotion of equal and full enjoyment of human rights by all family members, with special emphasis on the equal rights, responsibilities and participation of women.

It has frequently been said that the family, being the natural and fundamental group unit of society, is the fullest reflection of the strengths and weaknesses of a community. As such, the family is the ideal model of social issues, and constitutes the ideal framework for an integrated and comprehensive approach to social policies. The promotion of a strong, democratic and dynamic family is an important element in the construction of an equally strong, democratic and dynamic society.

In this spirit, we look forward to the wide spectrum of measures that are planned in various countries, as well as those being developed at the regional and international levels, for the observance of the Year. We are convinced that they will constitute important achievements in the promotion of the objectives of the Year. But in order to ensure their full success, it is of paramount importance that the concerns and basic principles that animated the preparation, launching and observance of the Year be maintained beyond the year 1994 and that they be at the centre of follow-up programmes. The International Year of the Family should not be an end in itself; on the contrary, it should constitute the starting-point of a long-term process.

The PRESIDENT: We have now heard the last speaker on the occasion of the launching of the International Year of the Family.

May I, before closing the plenary meeting, acknowledge the receipt, yesterday, of a message from the Vatican, addressed to me in my capacity as President of the Assembly, in which His Holiness Pope John Paul II sends his cordial good wishes to those present at the opening ceremony and to all who support this initiative of the International Year of the Family, which will serve the well-being of families throughout the world. Copies of the letter will be made available to delegations and to the press.

This concludes the plenary meeting held for the purpose of launching the International Year of the Family.

I solemnly declare the International Year of the Family launched.

The meeting rose at 1.35 p.m.

United Nations
GENERAL ASSEMBLY
FORTY-EIGHTH SESSION

Official Records

72nd PLENARY MEETING

Thursday, 9 December 1993 at 10 a.m.

NEW YORK

President: Mr. INSANALLY (Guyana)

The meeting was called to order at 10.30 a.m.

TRIBUTE TO THE MEMORY OF FELIX HOUPHOUET-BOIGNY, PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE

The PRESIDENT: Before we take up the agenda for this morning, the Assembly will first pay tribute to the memory of the late President of the Republic of Côte d'Ivoire, His Excellency Mr. Félix Houphouët-Boigny.

As a believer in peace, in the fraternity of men and in the virtues of dialogue, President Houphouët-Boigny has long been and will always remain an example and an inspiration not only to Africa but to the whole family of nations. On behalf of the General Assembly, I should like to convey our heartfelt condolences to the Government and the people of the Republic of Côte d'Ivoire and to the bereaved family of the late President.

I invite representatives to stand and observe a minute of silence in tribute the memory of the late President of the Republic of Côte d'Ivoire.

The members of the General Assembly observed a minute of silence.

The PRESIDENT: I now call on the representative of Angola, who will speak on behalf of the Group of African States.

Mr. VAN DUNEM "MBINDA" (Angola): Africa, from the Maghreb to the Cape of Good Hope, and from the Atlantic Ocean to the Indian Ocean, today mourns the irrecoverable loss that the continent and the whole world has just suffered with the passing away into eternal rest of President Félix Houphouët-Boigny of Côte d'Ivoire.

This illustrious statesman, a staunch supporter of the struggle for independence of the African continent, was not a stranger to us.

President Houphouët-Boigny, the Wise Man of Africa and the Father of all Africans, committed himself, from early times, to the struggle for the liberation of the African peoples. He has always inspired great respect and admiration among his African colleagues and many other people in the world.

The contribution made by President Félix Houphouët-Boigny to the peace process in Angola deserves, on the part of each Angolan man, woman and child, a great tribute to this African leader, a tribute to the dimension of his remarkable personality.

For almost 30 years, President Félix Houphouët-Boigny was a driving force behind the processes of political stability, social and economic development, and social justice that were achieved and which will serve as an example to future generations in Côte d'Ivoire and around the world.

At this time of grief and sadness for our brothers in Côte d'Ivoire, allow us, on behalf of the African Group at the United Nations, to express to the bereaved family and

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to the Government and the people of Côte d'Ivoire our sincere condolences.

Peace to his soul.

The PRESIDENT: I now call on the representative of Japan, who will speak on behalf of the Group of Asian States.

Mr. MARUYAMA (Japan): On behalf of the Asian Group, I would like to extend to the Government and the people of the Republic of Côte d'Ivoire our sincere condolences on the demise of their revered President, His Excellency Mr. Félix Houphouët-Boigny.

We are deeply saddened by the passing of this great twentieth-century African leader. Mr. Houphouët-Boigny's 33 years as President of the Republic of Côte d'Ivoire coincided with the history of his nation as an independent State, along with many other African States. Looking back over his long and exemplary term of office, we are inspired by his visionary leadership in the face of awesome challenges as he guided his country through the uncharted territory of post-colonial development. His dedication to the welfare of his people and to the growth and stability of his nation contributed to the political and economic stability of newly independent States throughout the African continent. The sense of balance between nationalism and internationalism that he brought to his office should serve as a guiding example to the rest of the world as we work together to consolidate international peace and security. Perhaps the best way we can honour the memory of this great leader is by endeavouring to emulate his far-sighted internationalism. I am confident that his legacy will be reflected in the future achievements of his nation and in the progress we make towards building a more tolerant, peaceful and prosperous world.

The PRESIDENT: I now call on the representative of The Former Yugoslav Republic of Macedonia, who will speak on behalf of the Group of Eastern European States.

Mr. MALESKI (The Former Yugoslav Republic of Macedonia): On behalf of the members of the Group of Eastern European States, I would like to pay a tribute to the late President Félix Houphouët-Boigny of Côte d'Ivoire, one of the longest-serving Heads of State on the African continent and in the world, who died of natural causes on 7 December 1993.

May I ask the delegation of Côte d'Ivoire to convey to the family of the deceased President, to the Government and to the people of Côte d'Ivoire our sincere condolences.

The PRESIDENT: I now call on the representative of Ecuador, who will speak on behalf of the Latin American and Caribbean Group.

Mr. PONCE (Ecuador) *(interpretation from Spanish)*: African migrations have enriched Latin America and the Caribbean and have left an indelible imprint on our culture. African rhythms permeate our music and, just as we share the joy, today we must share the sorrow. The passing of President Houphouët-Boigny of Côte d'Ivoire clothes Africa in mourning.

As parts of the developing world, Africa and Latin America and the Caribbean confront similar problems and agree on the need for change in the prevailing unjust international economic order. President Houphouët-Boigny played an outstanding role in the struggle of our peoples to achieve fair, remunerative and stable prices for our raw materials. Moreover, his active participation in efforts to resolve the great crises of that continent which is so dear to our hearts - crises such as those in Liberia, Angola and South Africa - made him a leader of great renown. Now that he is gone, we pay a tribute to his memory.

We ask the delegation of Côte d'Ivoire to convey to the family of the deceased President and to his Government and people the sincerest condolences and feelings of solidarity of Latin America and the Caribbean.

The PRESIDENT: I now call on the representative of Portugal, who will speak on behalf of the Group of Western European and Other States.

Mr. CATARINO (Portugal): I have the honour to speak on behalf of the Group of Western European and Other States.

It is with deep sorrow that I wish to pay a tribute to the memory of President Félix Houphouët-Boigny of the Republic of Côte d'Ivoire, who passed away on 7 December.

President Houphouët-Boigny earned widespread respect in the international community, enjoying exceptional respect and moral authority both at home and abroad. He was a man of indisputable influence, with a remarkable political longevity that made him a prestigious and charismatic African statesman.

In this forum, I will limit myself to recalling the significant role President Houphouët-Boigny played and the natural and constructive approach he had towards existing problems in the African continent and, most recently, his profound interest and involvement in the peace process in Angola.

I would like to conclude by expressing my Group's sincere and heartfelt condolences and feelings of sympathy to the Government and people of the Republic of Côte d'Ivoire and to the bereaved family of the late President Houphouët-Boigny.

The PRESIDENT: I now call on the representative of the United States of America, who will speak on behalf of the host country.

Mrs. ALBRIGHT: The United States, as host country, wishes to express its profound sadness at the loss of President Félix Houphouët-Boigny of Côte d'Ivoire. We extend our sympathies to the family of the President and to the people of Côte d'Ivoire as they mourn the loss of a great man of peace.

He was one of Africa's great statesmen and a leader who will be remembered for years to come for his rejection of violent confrontation and his commitment to peace through conciliation and consensus. He was a long and faithful friend to the United States and to all peace-loving peoples, a statesman who actively shared in international efforts to find peaceful solutions to conflicts in Africa, most recently in Angola and Liberia.

He was well known for his support of international and regional organizations and played important leadership roles in the Organization of African Unity and the Economic Community of West African States. His reputation as a peacemaker was highlighted in 1990 by the establishment of the Houphouët-Boigny Peace Prize, awarded annually by the United Nations Educational, Scientific and Cultural Organization in recognition of special contributions to world peace.

President Houphouët-Boigny will be sorely missed, both in Côte d'Ivoire and in the international arena, but he leaves behind an abiding legacy of support for peace and the rule of law. He will long be remembered for his contributions to his country, to Africa and to the world. We join the people of Côte d'Ivoire in their sorrow.

The PRESIDENT: I now call on the representative of Côte d'Ivoire to reply.

Mr. GERVAIS (Côte d'Ivoire) *(interpretation from French)*: The sympathy expressed on the occasion of the passing of our lamented President, His Excellency Mr. Félix Houphouët-Boigny, testifies to the international community's great esteem for this giant of Africa, one of the founding fathers of the Organization of African Unity, whose domestic and foreign policies were exclusively directed towards serving the causes of peace, harmony and unity.

Before going on, I should like to express my gratitude to the Secretary-General, Mr. Boutros Boutros-Ghali, for the most comforting message that he was good enough to address to my Government and the people of my country. I would also like to thank the President of the General Assembly, Mr. Samuel Insanally, for the encouraging words addressed to my country and my delegation. To the whole Assembly and to the anonymous members of the Secretariat who have expressed their compassion, I wish to say how much their messages have gone to our hearts. My gratitude also goes to the Presidents of the principal organs of the United Nations as well as the Chairmen of the Main Committees.

This man for whom we felt such affection and who has now been taken from us had, with his country and his people and, beyond them, with the entire continent and all Africans, such deep and special relations that his absence will not be felt by the people of Côte d'Ivoire alone. During his long political career, nothing that concerned Africa left him indifferent. His entire life was marked by acts in which his bravery and political courage never strayed from his realistic perception of people and things. The clear understanding which President Félix Houphouët-Boigny had of events earned him the respect of all the world, so solidly were his actions based on tolerance and peace, tenets in which he believed unreservedly.

Today, when he has just left us, it is too early and our emotion is too great for a dispassionate analysis of the scope of President Félix Houphouët-Boigny's achievements in our country, Côte d'Ivoire, whose soul he moulded with his hands and mind.

However, in this time of deep sorrow for all our citizens, I should like to mention only one of the many character traits of this giant of African history, namely, his fidelity - his fidelity to a continent, his fidelity to friendship, his fidelity to the most difficult - and often lonely - causes. As a statesman he was always true to his word, and, his considered decision once taken, he never wavered. In many respects President Félix Houphouët-Boigny, a fighter, drew from the fidelity of his opinions his honour and the true reward of his actions. His fidelity to his country and its people was so integral a part of his personality that it became a part of our history, to the point that the date of his departure after an exceptionally lengthy career was made to coincide with the date of our independence, an independence for the recovery of our dignity on which he had, from the very beginning, based his political struggle.

In conclusion, and while repeating my thanks, I should like to assure members that the messages of

sympathy addressed to my Government and to the family of President Félix Houphouët-Boigny will be faithfully transmitted to them.

AGENDA ITEM 38 *(continued)*

ELIMINATION OF APARTHEID AND ESTABLISHMENT OF A UNITED, DEMOCRATIC AND NON-RACIAL SOUTH AFRICA

The PRESIDENT: Before turning to the item on today's agenda, I should like to make an announcement. The General Assembly, by consensus, adopted resolution 48/1 on 8 October. That resolution dealt with the lifting of sanctions against South Africa in view of constitutional and other developments in the country that were reported to the General Assembly by the Special Committee against Apartheid. Paragraph 2 of the resolution states that the General Assembly:

> "Also decides that all provisions adopted by the General Assembly relating to the imposition of an embargo on the supply of petroleum and petroleum products to South Africa, and on investment in the petroleum industry there, shall cease to have effect as of the date that the Transitional Executive Council becomes operational, and requests all States to take appropriate measures within their jurisdiction to lift any restrictions or prohibitions they have imposed to implement previous resolutions and decisions of the General Assembly in this respect".

I have received letters dated 7 December 1993 from the Chairmen of the Special Committee against Apartheid and the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa informing me that the Transitional Executive Council in South Africa is now operational. I have also received a letter from the Permanent Representative of South Africa to the United Nations informing me that the Transitional Executive Council met on 7 December.

In view of that information, and with respect to paragraph 2 of the General Assembly resolution, which I have just read out, I am pleased to inform the Assembly that the embargo related to the supply of petroleum and petroleum products to South Africa and investment in the petroleum industry there is now lifted.

It is not proposed that statements be heard at this time. Members may wish to make statements on the lifting of United Nations sanctions and other developments in South Africa when the General Assembly again takes up agenda item 38 on the "Elimination of apartheid and establishment of a united, democratic and non-racial South Africa" on 13 December.

AGENDA ITEM 36

LAW OF THE SEA

(a) REPORT OF THE SECRETARY-GENERAL (A/48/527 and Add.1)

(b) DRAFT RESOLUTION (A/48/L.40)

The PRESIDENT: Before calling upon the first speaker I should like to propose that the list of speakers in the debate be closed at 11.30 a.m. today. If I hear no objection, it will be so decided.

It was so decided.

The PRESIDENT: I therefore request those representatives wishing to participate in the debate to inscribe their names as soon as possible.

I now call upon Mr. José Luis Jesus of Cape Verde who, in his capacity as Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, will introduce draft resolution A/48/L.40.

Mr. JESUS (Cape Verde), Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea: On 16 November of next year the Law of the Sea Convention will come into force. This will undoubtedly be a memorable date, for it will signal the culmination of a long process to bring into existence a much-needed and internationally praised international legal regime governing the oceans and establishing the rules for the orderly use and exploitation of their resources.

The Law of the Sea Convention has been hailed as a major legal instrument, not only for the importance and the vastness of its object but also for the great degree of consensus it commands, especially in relation to the provisions dealing with the territorial sea, archipelagic waters, exclusive economic zone, continental shelf, high sea and the protection of the marine environment, to name but a few.

In effect, the impact of the Convention on national legislation has been so profound that most of its provisions are being applied or observed at the national level and by the international community in general, even before it is in force. Therefore, its entry into force will only strengthen its binding effect.

Today we all have a reason to celebrate the imminent entry into force of the Convention, for it is the crowning of decades of painstaking negotiations and hard work and it represents the international consolidation of such an important Treaty, one that translates a major achievement in the field of progressive development and codification of international law.

We regret, however, that certain difficulties with Part XI of the Convention and related annexes dealing with the seabed regime have prevented a more widespread participation by countries in the Convention.

The commendable efforts of the Secretary-General to assist in finding an acceptable solution to those difficulties of Part XI with a view to facilitating the universal participation in the Convention have led to a series of consultations which, we hope, will soon produce concrete and final results. It is our view that those consultations should be intensified in light of the imminent entry into force of the Convention.

The Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, meeting twice a year since 1983, has made great progress in its work, having disposed of the bulk of its mandate, and, indeed, at its last meeting, held this spring, considered and took note of its final provisional report.

The difficulties of part XI and related annexes - difficulties that I have mentioned already - prevented the Commission from finding a solution for every set of rules, regulations and procedures we were mandated to prepare. None the less, we disposed of all matters that, in the circumstances, could possibly be dealt with. However, in the light of the Convention's entry into force next year, the Preparatory Commission will have to meet to consider relevant matters.

I take this opportunity to thank all those who, over the years, have, in one way or another, extended their cooperation to me in my capacity as Chairman of the Commission.

I have the honour to introduce the draft resolution on the law of the sea (A/48/L.40) on behalf of Australia, Brazil, Canada, Chile, Denmark, Fiji, Guyana, Iceland, Indonesia, Jamaica, Malta, Mauritania, Mexico, Myanmar, New Zealand, Norway, the Philippines, Portugal, Senegal, Sierra Leone, Sri Lanka, Sweden, Trinidad and Tobago, Ukraine, Uruguay and my own country, Cape Verde.

The draft resolution is based, to a large extent, on the text of the equivalent resolution adopted last year by the Assembly, and its preparation is the result of extensive open-ended consultations. I shall therefore save the Assembly's time by drawing attention just to some redrafted or additional paragraphs.

In paragraph 2, note is taken of the fact that the Convention will come into force on 16 November 1994.

In paragraphs 3, 4, 5 and 20, emphasis is laid on the consultations led by the Secretary-General aimed at achieving universal participation in the Convention.

The servicing of a week-long meeting of the Preparatory Commission in February 1994 and of a possible further meeting in the summer of next year is requested in operative paragraph 21.

Paragraph 23 takes note of the need to make arrangements for the first session of the Assembly of the Authority.

I commend the draft resolution to the General Assembly for its positive consideration.

Mr. TUERK (Austria): The Austrian delegation is highly pleased to be able once again to make a modest contribution to the debate on the important question of the law of the sea.

I should like, first, to express my profound gratitude to the Secretary-General and his collaborators in the Division for Ocean Affairs and the Law of the Sea for presenting the report contained in document A/48/527 and Add.1, which comprises a comprehensive and succinct presentation not only as regards developments relating to the law of the sea, but also with regard to maritime safety and marine environmental protection, waste management, conservation and management of marine resources, and so on.

This report deserves high commendation for the manner in which it sets forth the various subject-matters. For Austria, as for other land-locked countries not extensively involved in uses of the sea, such a comprehensive document, giving a detailed overview of all maritime activities, also constitutes an important source of information.

The oceans, which cover approximately 70 per cent of the surface of the Earth, have always played a significant role in the development of humanity - particularly as a vast area of communication, but also in satisfying the nutritional needs of coastal populations. Since the beginning of this century, there has been an increasing necessity to exploit marine resources, whether living or

non-living, because of the increasing needs of a steadily growing world population. At the same time, the possible uses of marine spaces and resources for the benefit of mankind have been greatly extended by technological progress.

These developments have led to an increasing tendency among coastal States to assert sovereign rights over resources in maritime zones far beyond their coasts. The growing awareness of States that all the members of the international community, irrespective of their economic development or their geographic location, should be able to benefit from the exploitation of the ocean resources led eventually to the elaboration of a new international maritime order enshrined in the United Nations Convention on the Law of the Sea of 1982.

It took the international community 15 years to work out this all-encompassing regime designed to govern all maritime uses. During the long and difficult negotiations at the Third United Nations Conference on the Law of the Sea, it turned out that it was impossible to satisfy entirely the often-conflicting desires of all the members of the international community.

In particular, the land-locked and geographically disadvantaged States had to reduce their expectations as to the benefits they might derive from the Convention, as they could not offer anything in exchange at the negotiating table, except their agreement to a new legal regime for the oceans. However, we must not forget that even land-locked countries perform maritime activities - to a greater extent, indeed, than certain coastal States - in the fields of navigation and marine scientific research. It would therefore be wrong to deny the maritime interests of these countries. That being the case, I should like to reiterate that all States, whether coastal or land-locked, have a common interest in the oceans and their resources. I make this point at a time when there is a greater number of land-locked countries on our planet than there has been at any other time in modern history.

Thus, the solutions that the Conference finally worked out could generally be accepted by all, or nearly all, States, regardless of whether they were always the best solutions. But this situation was compensated for by the enormous advantage that possible doubts as to the legal norms to be applied to the oceans could be dispelled. This was a major contribution to the removal of legal instability in this area.

Eleven years have now elapsed since the adoption of the United Nations Convention on the Law of the Sea - that monumental work of codification and progressive development of international law. During those years the Convention, although not yet in force, proved its enormous value. The fact that, already, its rules have, in part, become customary international law bears witness to this. The Austrian delegation is thus pleased to see from the Secretary-General's report that the Convention is also playing an indispensable role with regard to the development of international law on marine and environmental protection.

However, some of the basic assumptions underlying the provisions relating to the exploration and exploitation of the seabed beyond the limits of national jurisdiction have not been realized. It is thus our common task to adjust these provisions to the requirements of the present and the future.

Austria also continues to note with concern that national legislation does not always conform to the provisions of the Convention. This may upset the delicate balance which has been established by the Convention and which formed the basis for its acceptance by the land-locked and geographically disadvantaged States. We cannot overlook the fact that rights of these States enshrined in the Convention are not always fully reflected in national legislation. I refer, for instance, to their rights in the field of marine scientific research.

On the positive side - as is indicated in the Secretary-General's report - a growing number of countries continue to adopt or modify their legislation in accordance with the provisions of the Convention. Let me point out, for instance, that at the beginning of this year Brazil enacted a comprehensive law on the marine areas over which it exercises sovereignty or jurisdiction. This law reduces Brazil's territorial sea claim from the 200 miles established in 1970 to 12 nautical miles.

My delegation has further noted from the Secretary-General's report that since Agenda 21 of the United Nations Conference on Environment and Development was endorsed by the General Assembly there has been a particularly remarkable surge of new developments in the fields of maritime safety, navigation, maritime transport and pollution-emergency preparedness, as well as in the field of the disposal of wastes from ships and by dumping.

While we are gratified by this positive trend, we cannot fail to recognize that the world's marine fisheries are facing serious conservation and management problems as important fish stocks worldwide suffer from ever-increasing pressure from growing fishing fleets. Enhanced protection of the marine environment and the effective and balanced conservation and management of living marine resources must remain very high on the agenda of the international community, for by causing irremediable harm

to the oceans and their riches we would be depriving mankind of an important part of its common heritage.

With the entry into force of the United Nations Convention on the Law of the Sea now only 11 months away, we have indeed reached a crucial juncture. The entry into force of the Convention will undoubtedly serve to consolidate the provisions that have already received general acceptance. However, a Convention that is not also adhered to by the major industrialized countries cannot realize the aspiration that lay behind its preparation - that is, the aspiration to form a just and equitable legal basis for the use of the seas by all the members of the international community.

Since the very beginning of the endeavours to prepare a new Convention on the Law of the Sea, Austria has highly valued the principle of the common heritage of mankind. The question that we are confronted with today is how best to administer that common heritage.

Universal participation in the Convention is a basic requirement for any viable system for the exploration and exploitation of the resources of the deep seabed. In addressing the questions that have so far impeded general acceptance of the Convention, we have to face the fact that commercial deep-seabed mining now seems a distant prospect, contrary to what we thought when negotiating the relevant provisions. Our aim must thus be to ensure a feasible, universally acceptable system of deep-seabed mining that would truly put into practice the principle of the common heritage of mankind by providing benefits for all members of the international community, and in particular for the least developed and the land-locked among the developing countries.

When I had the privilege of addressing the Assembly at its forty-fourth session on the topic of the law of the sea, I pointed out that, in Austria's view, general agreement must be sought to adapt certain provisions of the Convention in a pragmatic and flexible manner, taking into account, in particular, the fundamental changes in economic and political circumstances since those provisions were drafted.

Let me therefore express my delegation's most sincere appreciation to the Secretary-General for his initiative of convening the informal consultations aimed at resolving the outstanding issues relating to deep-seabed mining in order to achieve the goal of participation in the Convention by all States.

Particular gratitude is due the Legal Counsel, Under-Secretary-General Carl-August Fleischhauer, for superbly guiding these consultations, which have made significant progress, particularly in November of this year. The Austrian delegation sincerely regrets that Mr. Fleischhauer will no longer be with us at the next round of consultations in February 1994. We extend to him our very best wishes in his new and most distinguished function at the International Court of Justice.

On behalf of the Austrian delegation, let me further express our most sincere appreciation to the Chairman of the Preparatory Commission, Ambassador José Jesus of Cape Verde, for his unrelenting efforts over many years, which have brought us much closer to a final consensus on the outstanding issues.

The last round of the informal consultations almost surpassed all my delegation's expectations. Considerable progress was made, not only on extremely difficult procedural questions but also on specific, substantive matters. An agreement relating to the implementation of part XI of the United Nations Convention on the Law of the Sea now seems to be within our grasp. We believe that such an agreement, in taking account of the fundamental changes that have occurred since the elaboration of the deep-seabed-mining provisions of the Convention, should make it clear that its provisions supersede the relevant provisions of the Convention itself, which shall no longer apply as they will no longer be of practical effect, having become obsolete.

It is also important to allow for immediate participation by industrialized countries in the International Seabed Authority by providing for the possibility of provisional application of the Law of the Sea Convention - and thus for provisional membership in the Convention's organs - pending the process of ratification.

The draft resolution now before the Assembly for adoption rightly recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world. We also share the satisfaction at the expressions of willingness to explore all possibilities for addressing issues of concern to some States in order to secure universal participation in the Convention.

Let me emphasize that the successful resolution of those issues is a matter of genuine concern for all States, as otherwise universality for the Convention will elude us. Despite the significant progress made so far in the course of the informal consultations, the remaining difficulties should not be underestimated. In view of the fact that the Convention enters into force within under a year, the consultations will have to be accelerated: time is running out, so let us make the best use of it.

Mr. GELBER (United States of America): With the sixtieth ratification of the 1982 United Nations Convention on the Law of the Sea, we have entered a new phase in our search for a convention that can achieve broad acceptance within the international community. The fact that the Convention will enter into force on 16 November 1994 should serve as an incentive to all States to redouble their efforts toward this end.

I should like to join others in commending the Secretary-General and his staff on their efforts in seeking to facilitate a solution to the problems posed by the seabed-mining provisions of the Convention.

In the months since the United States Government decided to support actively the search for a solution through the Secretary-General's informal consultations, substantial progress has been made in moving from a conceptual outline for a solution to a negotiating text of a draft agreement. While the text is not perfect and difficult issues still confront us, its emergence, and the substantial support it has achieved as a basis for negotiation, are hopeful signs; they are manifestations of the dedication of all participants to the objective of removing the remaining obstacles to a widely accepted Convention within the next year.

We therefore support the request the Assembly would make to the Secretary-General under the draft resolution to continue his consultations and the invitation it would extend to all States to make renewed efforts to facilitate universal participation in the Convention. Notwithstanding the difficulties that remain, my Government believes that it is possible to remove the remaining obstacles to broad-based acceptance of the Convention before its entry into force. We are encouraged that other participants in the consultations are also demonstrating the political will necessary to achieve this objective.

Nevertheless, as we have done for the last two years, we shall abstain in the voting on the draft resolution because of its unqualified calls for ratification of the Convention and its continuing support for the work of the Preparatory Commission in the implementation of the present seabed mining provisions. It is our hope, however, that success in the informal consultations will lay the groundwork for a draft resolution next year that we can support.

Mr. KALPAGÉ (Sri Lanka): The adoption of the United Nations Convention on the Law of the Sea on 10 December 1982 marked one of the most important events in the history of the United Nations. It was the product of the collective endeavour of the international community. Furthermore, the Convention symbolized the interdependence of nations and asserted that the oceans were the common heritage of all humanity. Today we stand on the threshold, facing the certainty that in less than one year the new law of the sea will enter into force.

During the current year the Secretary-General has continued informal consultations aimed at promoting dialogue and achieving universal participation in the Convention. While the Convention has received the requisite ratifications for its entry into force, universal participation in it is essential if the new legal regime of the oceans is to be effective and ocean resources are to be harnessed for the benefit of mankind as a whole.

The search for universality, however, should in no way compromise the fundamental premises upon which the Convention was carefully built, such as the principle of the common heritage of mankind. This is fundamental to the new legal regime and is of special concern to the developing countries. It has also had an impact on other spheres, such as the global environment.

The Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea has also made progress in its work, under the able chairmanship of Ambassador José Luis Jesus of Cape Verde. We note that the entry into force of the Convention would also affect the programme of work of the Commission, which is expected to convene a meeting of the Group of Technical Experts to review the state of deep-seabed mining and to make an assessment as to when commercial production may be expected to commence.

We believe that these and other measures undertaken with the entry into force of the Convention will facilitate the realization of its objectives. There is also an increasing demand, particularly on the part of the developing countries, for information and assistance. A lack of resources and scientific and technological capabilities has prevented the developing countries from taking effective measures for the full realization of the potential of the Convention.

The growing dependence on the oceans' bounty has led to traditional uses of the seas being extended to include new uses for, and more efficient exploitation of, their resources. States that have a common interest in a resource and those that share common ocean areas or coasts have combined their efforts. Many such groupings have taken steps to further their interests and to enhance capacities by sharing their capabilities.

The Indian Ocean Marine Affairs Cooperation (IOMAC) is one such endeavour. IOMAC has succeeded in establishing an organization for cooperation between

States that surround an ocean basin spanning two continents and including those regions that are home to the majority of mankind and accommodate the most intense concentration of nations of the world.

We appreciate the need for the participation of the developed countries in the new legal regime of the oceans. Their active participation in the law-of-the-sea regime would maximize benefits for the developing countries through the sharing of technology, scientific knowledge and experience. We must identify their special concerns and strive to address these concerns to the extent possible. The Indian Ocean countries, through the IOMAC forum, have created a bridge for cooperation between the developed and the developing countries with the establishment of the IOMAC Technical Cooperation Group.

As the law-of-the-sea regime enters a new phase, greater emphasis must be placed on regional initiatives like IOMAC, which is striving to maximize the benefits of ocean resources to States in the region. Developed States, international organizations, in particular the United Nations Development Programme (UNDP), and other multilateral funding agencies must review their policies and programmes with a view to intensifying financial, technological and other assistance to regional initiatives.

Following the adoption of Agenda 21 of the United Nations Conference on Environment and Development (UNCED), the international community has increased its efforts to safeguard the marine environment. In this context, we appreciate the integrated approach to standard setting and resolution implementation taken by the International Maritime Organization. We also note the initiatives being made in the field of capacity building and training, as a follow-up to Agenda 21 of UNCED, and the action plan being developed by the Division for Ocean Affairs and the Law of the Sea. These initiatives, we believe, would greatly assist the developing countries in their capacity building and help to strengthen the institutions in regard to integrated management of coastal and marine areas.

We are pleased that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, under the able chairmanship of Ambassador Satya Nandan of Fiji, made progress at its first session. The Conference cannot be allowed to fail. The problem of unregulated high-seas fishing is of grave concern to all States, be they coastal or distant-water fishing States. Intensified efforts and a readiness to compromise are essential, and an early and satisfactory conclusion must be reached.

The first President of the Conference on the Law of the Sea, Ambassador Hamilton Shirley Amerasinghe, a distinguished son of Sri Lanka, said at the opening of that Conference, as reported in the summary record of the meeting:

> "A convention or conventions ensuring a generally acceptable, stable and durable law of the sea would be not only a monument to the patience, perseverance, diplomatic skill and spirit of fraternal cooperation of the participants and the States they represented, but would also honour the highest ideals of the Charter and other international legal instruments which sought to express the aspirations and yearnings of all peoples of the world." (*Official Records of the Third United Nations Conference on the Law of the Sea*, vol. I, Summary Records of Meetings, 1st plenary meeting, para. 17)

Today we are preparing for the entry into force of that comprehensive Convention - a Convention that was formulated by us all. The countdown has begun, and the one year of time remaining until 16 November 1994 is surely and steadfastly passing. The manifold components of the Convention encompass a range of subjects of vital concern to the entire world. It embraces problems of a political, economic, ecological and technological character, and its entry into force will have a lasting impact on us all. It augurs well for the future of mankind.

In this connection, we are appreciative of the work of the Division for Ocean Affairs and the Law of the Sea for its role in keeping States abreast of developments. It has helped in providing us with a series of valuable publications. These have included extracting relevant national legislation on significant aspects of the Convention; providing historical perspectives of such issues; and recently, several handbooks which provide a practical guide to implementing complex provisions of the Convention. The annual report to the General Assembly is always a welcome synthesis of global ocean activity. However, this year again, regrettably, the report has only just been received, and we have not had time to study it or adequately to review its content.

What we need to do most urgently is to ensure that the activities of the United Nations Division for Ocean Affairs and the Law of the Sea respond to the demand - which is now urgent - to facilitate ratification by those States that have yet to ratify the Convention and the fulfilment of the obligations that fall on all upon its entry into force.

We see the need for three areas of action: first, continuation of the efforts to bring about universal

acceptance, which we feel are moving ahead constructively; secondly, the continuation of the existing activities focused on keeping States abreast of developments and reporting periodically on issues relating to the law of the sea; and thirdly, and most important, we see the need for the urgent enhancement of activities to facilitate the efforts of States - individually, subregionally and interregionally - to secure the benefits of the new ocean regime.

For several years, the annual resolution has contained operative paragraphs in which the General Assembly called for such activity by the United Nations, by the funding agencies and by Member States. It is for the United Nations to take the lead in facilitating this process. Here we look to the Division, which, in cooperation with the specialized agencies, should deliver to us the kinds of support and assistance called for in the report presented by the Secretariat two years ago concerning the needs of countries, particularly developing countries. I refer to United Nations document A/46/722, entitled "Realization of benefits under the United Nations Convention on the Law of the Sea: measures undertaken in response to needs of States in regard to development and management of ocean resources, and approaches for further action".

Sri Lanka, which played an active role in the Law of the Sea negotiations, welcomes the entry into force of the United Nations Convention on the Law of the Sea in November 1994, having received 60 ratifications. Sri Lanka's own ratification of the Convention is under active consideration.

Accordingly, Sri Lanka is pleased to co-sponsor draft resolution A/48/L.40, which was introduced by the Permanent Representative of Cape Verde this morning.

Mrs. FRECHETTE (Canada) *(interpretation from French):* On 16 November, Guyana deposited its instrument of ratification of the United Nations Convention on the Law of the Sea, bringing the total number of ratifications and accessions to 60. The Convention will therefore enter into force on 16 November 1994.

This is the latest milestone in a process that began in 1967, when the General Assembly decided to establish an ad hoc committee to study all aspects of the peaceful uses of the seabed and its resources beyond the limits of national jurisdiction.

The process initiated in 1967 led, on 10 December 1982, to the signature in Montego Bay, Jamaica, of the United Nations Convention on the Law of the Sea, a multifaceted Convention that constitutes a monument to international cooperation in the treaty-making process. It governs all aspects of ocean space from delimitations to environmental control, scientific research, economic and commercial activities, technology and the settlement of disputes relating to ocean matters.

The hallmark of this Convention has been the universal support that it has enjoyed. More than 150 countries, representing all regions of the world, participated in its negotiation. It was signed by 119 countries, including my own, on the very first day on which it was opened for signature. By the time the period for signature closed on 9 December 1984, some 159 States had signed the Convention.

In order for the Convention to fulfil its role as a constitution for the world's oceans, it must continue to enjoy the support of the entire international community. With this in mind, the Secretary-General convened informal consultations in 1990 to address the deep seabed mining issues that were preventing some States from acceding to the Convention.

Like many other States, Canada believes that the provisions of part XI must reflect the world economic situation: they must take into account the fact that the deep seabed will not produce notable economic results as rapidly as the international community first believed it would; and they must also, as indicated in the draft resolution itself (A/48/L.40), take into account an economic reality characterized by the growing importance of the market economy. These are the prerequisites for widespread adherence. They hold the key to our having a Convention that will be acceded to by the vast majority of States, including the industrialized States.

The last round of informal consultations, held here early last month, showed us that we are on the right track. Much remains to be done, but we are convinced that certain provisions of part XI can be interpreted and changed in such a way as to achieve universal adherence. The international community's efforts to that end will be based on the accepted principle that the deep seabed is part of the common heritage of mankind.

Having the longest coastline in the world and important maritime interests, Canada is proud to have played an active role in negotiations on the Convention and in the informal consultations led by the Secretary-General. We shall continue to do so, and we remain confident that the international community will take advantage of this unique opportunity and will succeed in finding tangible solutions to the difficulties found in part XI.

Before turning to other matters, I should like to pay tribute to Mr. Carl-August Fleischhauer, the Legal Counsel

of the United Nations, for his outstanding work. He will soon be leaving his present position in order to undertake new challenges. We offer him our best wishes for success.

(spoke in English)

The draft resolution also deals with the conservation and management of fisheries resources. The question of fisheries was one of the major issues addressed by the Convention. The development of the concept of the exclusive economic zone was designed to ensure that coastal States undertook obligations for the proper conservation and management of the living marine resources up to 200 miles from their coasts. The Convention also provides that all States must cooperate to ensure that high-seas fisheries are managed in a manner that ensures the conservation of fisheries resources. It was not foreseen at the time of the drafting of the Convention, however, that the part of these resources found on the high seas would be so severely threatened as to cause the serious problems we now face. International attention is focused on those stocks that straddle the limits between exclusive economic zones and the high seas, referred to as straddling fish stocks, and on those that range over vast areas of the world's oceans, including many exclusive economic zones. I am referring here to the highly migratory fish stocks, which have become an important international fisheries issue for the 1990s.

The critical situation of straddling fish stocks and highly migratory fish stocks was made plain during last year's United Nations Conference on Environment and Development (UNCED), which in Agenda 21 called for the convening of an intergovernmental conference to address the issue. From Canada's point of view, this was one of UNCED's principal achievements.

Canada is pleased to note the progress made to date by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, convened pursuant to General Assembly resolution 47/192. Under the able leadership of Ambassador Satya Nandan of Fiji, we have begun to narrow the gap between the views of coastal and distant-water fishing States. A negotiating text has been prepared by the Chairman of the Conference and is currently under consideration by participants.

In Canada's view, the Conference should establish, in accordance with the principle of sustainable development, an effective regime for the conservation and management of straddling fish stocks and highly migratory fish stocks on the high seas, consistent with the United Nations Convention on the Law of the Sea. In order to ensure the effectiveness of such a regime, it must be established through a legally binding instrument. Document A/CONF.164/L.11/Rev.1 of 28 July 1993, submitted by Argentina, Canada, Chile, Iceland and New Zealand, contains a draft of such an instrument, outlining the necessary elements of the proposed regime and reflecting the results of wide-ranging consultations.

Canada looks forward to the completion of the Conference in 1994 with an outcome that will effectively regulate high-seas fisheries for straddling fish stocks and highly migratory fish stocks, consistent with the United Nations Convention on the Law of the Sea.

Mr. NOTERDAEME (Belgium) *(interpetation from French)*: I have the honour to address the Assembly on behalf of the European Union.

The law of the sea has always stirred keen interest in the European Union and its member States. The European Union holds firmly that legal security must rule the seas and oceans to guarantee international peace and security. In this context, we must have a comprehensive legal regime governing the seas and oceans.

We have, of course, a valuable instrument in this regard: the 1982 United Nations Convention on the Law of the Sea, which will enter into force in less than a year, now that 60 States of the more than 180 of the international community have become parties to it.

However, we are all aware that the industrialized countries are prevented from becoming parties to the Convention until the shortcomings of part XI, relating to the exploitation of the seabed, are redressed.

In the view of the European Union and its member States, the 1982 Convention must enjoy the widest possible adherence of the members of the international community in order to be effective. It seems to me that this point of view makes good sense and that it, like good sense, is shared by all.

Thus, we have an objective to pursue: the entry into force of a universally acceptable Convention. We must also try to meet the deadline of 16 November 1994.

This is not an insurmountable task; on the contrary, I would say that we have patiently built up trust and good will during the consultations on the law of the sea, thanks to the effective work of the Secretary-General and of Mr. Carl-August Fleischhauer, Legal Counsel of the United Nations. We are grateful for their unceasing efforts to make the international community aware of the importance of the Convention for the international legal order and their efforts to get the international community to act with good will despite the diversity of interests involved. The

European Union fully supports all these efforts, which are beginning to bear fruit. During the consultations in August and November there was a qualitative change that gave us reason for confidence.

I should like to highlight the constructive climate that prevailed in those consultations, enabling us not only to hear but also to listen to the concerns of all. This paves the way for a possible compromise.

At this point we must not forget that we are at a decisive stage of consultations, which are moving ahead because we already have sufficiently precise and flexible legal material to elaborate a legal agreement for the implementation of part XI of the Convention.

However, our reasons for optimism should not conceal the complexity of our task. There remains the fundamental question whether this task will be completed in time, which is why the consultations should be speeded up and the time remaining to reach an agreement should be managed with the utmost efficiency.

During the statement made last year on our behalf, the representative of the United Kingdom expressed the hope that

> "1993 will be a year of achievement". (*A/47/PV.83, p. 30*)

That hope has been fulfilled. We welcome the fact that during the Preparatory Commission's eleventh session, its informal Plenary Commission and the Special Commissions all succeeded in finishing their respective provisional draft final reports. This important achievement is a mark of how far the Preparatory Commission has come during its meetings. We pay a well-deserved tribute to Ambassador Jesus of Cape Verde, who, with great skill and talent, led the Preparatory Committee to the attainment of this result.

The other achievement this year is that, as I have said, we have reached a crucial stage in the consultations on the law of the sea. We must now without delay give concrete expression to the results achieved in recent months. I would add that for the law of the sea 1994 presents a challenge that must be successfully tackled by the international community as a whole.

The United Nations Convention on the Law of the Sea needs to be universal, and time is limited for responding to that need. We therefore have no choice but to succeed together, and the European Union will spare no effort to reach an agreement and adopt it before the date now established for the Convention's entry into force.

Mr. MOTOMURA (Japan): First of all, I should like to express my delegation's sincere gratitude to the Legal Counsel and Under-Secretary-General for Legal Affairs, Mr. Carl-August Fleischhauer, and his staff at the Division for Ocean Affairs and the Law of the Sea.

I also wish to extend my sincere congratulations to Mr. Fleischhauer on his election as a member of the International Court of Justice.

As we are all aware, on 16 November the Republic of Guyana deposited the sixtieth instrument of ratification; the Convention will thus enter into force 12 months after that date. After 15 years of negotiations to produce this document since Ambassador Pardo of Malta launched the famous concept of "the common heritage of mankind", truly a milestone in the history of international law, and a subsequent decade of preparatory work for the establishment of the Authority and the Tribunal, the United Nations Convention on the Law of the Sea is completing its long journey and is entering into force.

It may well be said that the Convention, with its aim of introducing a set of universally applicable rules for the use of the sea, is the most comprehensive single document ever produced by the international community. We have had to wait longer than we had expected for the submission of the sixtieth instrument, more than a decade after Fiji deposited the first instrument of ratification. Moreover, the States that have ratified or acceded to the Convention still represent only a part of the global community in terms of geographical distribution.

For this reason, we should regard the deposit of the sixtieth instrument as an opportunity to renew our efforts to ensure the universal application of the Convention. We still have one year to improve Part XI so that when the Convention enters into force it will be a document that has the support of the international community as a whole.

Indeed, there is wide recognition that gaining the universality of the Convention is our most important objective. Japan, as a maritime State having a major interest in maintaining the stability of the legal order relating to the sea, has welcomed the comprehensive codification that the Convention has attained on almost every aspect of the use of the sea, ranging from freedom of navigation to jurisdictions of coastal States over marine resources, to protection and preservation of the marine environment, to scientific research, and so on. In the negotiations at the Third United Nations Conference on the Law of the Sea, Japan worked tirelessly for the consensus adoption of a set of rules applicable to the entire international community. We still believe that the Convention, when seen in its entirety, deserves positive

appraisal despite the shortcomings in part XI. In particular, the Convention has the potential to put an end to discrepancies between national practices resulting from the arbitrary extension of jurisdictions by coastal States.

It is gratifying to note that during the course of the Secretary-General's consultations certain general agreements emerged as to how to overcome the most intractable issues. Japan has always been prepared to take an active part in the consultations in an effort to overcome the seemingly insurmountable difficulties between developed and developing countries, in order to find a widely acceptable set of solutions.

With regard to the work of the Preparatory Commission, several unresolved issues remain, due in part to the global political and economic changes that have occurred since the Convention was adopted. Nevertheless, thanks to the tireless efforts of the participants and the spirit of cooperation between them, the Commission was able to adopt the provisional final reports at its spring session this year. It is also worth recalling that following the registration in 1987 of the first group of pioneer investors - India, France, Russia, and Japan - the Preparatory Commission held a series of informal consultations reviewing the manner in which the registered pioneer investors were to fulfil their obligations. On 30 August 1990, after intensive negotiations, the General Committee, acting on behalf of the Preparatory Commission, unanimously adopted the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States. Since its adoption, Japan and the Japanese pioneer investor, Deep Ocean Resources Development (DORD), have faithfully implemented their obligations. Among the obligations set forth in the Understanding is providing a training programme. At its tenth session, convened in Kingston in 1992, the Preparatory Commission adopted the Japanese training programme, and in the resumed tenth session held in New York three candidates were nominated for training, which commenced in May 1993.

Each trainee is currently taking a 10-month course in his respective field - geology, geophysics, electronic engineering - under the auspices of the Deep Ocean Resources Development and the Geological Survey of Japan, within the framework of technical cooperation by the Japan International Cooperation Agency (JICA). The three trainees are expected to play a central role in the future enterprise.

In concluding, let me reiterate that the next 12 months may be the most crucial period in the history of the law of the sea negotiations that have been under way ever since the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor was established. We hope that the consultations, held at the initiative of the Secretary-General, will be conducted in a spirit of compromise and mutual understanding, so that they will result in a much improved seabed regime which will render the Convention acceptable to the international community as a whole.

Mr. KEATING (New Zealand): When we debate this item next year, the 1982 United Nations Convention on the Law of the Sea will have entered into force. It is therefore timely to consider today the situation before us, to reflect on the achievement that the Convention represents, to consider the difficulties that remain to be overcome in order to make it possible for the Convention to attain its full potential and to examine the new challenges to the oceans regime that have arisen since the Convention was adopted 11 years ago.

At the time of the adoption of the Convention in 1982, the President of the Third United Nations Conference on Law of the Sea, Ambassador Tommy Koh of Singapore, described the Convention as a multilateral instrument second only in importance to the United Nations Charter. New Zealand agreed with Ambassador Koh's assessment in 1982 and we still hold to that assessment today.

I would like to highlight some of the key achievements of the Convention.

First, it has contributed to the maintenance of international peace and security. The Convention has been instrumental in removing a major source of tension and potential conflict. It replaced the variety of conflicting claims to ocean spaces, with all their potential for dispute, with agreed limits on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf.

Secondly, in another major contribution to removing sources of conflict and facilitating international trade, it clarified the principles relating to the freedom of navigation, through the important recognition of the rights and responsibilities attached to navigation in the exclusive economic zone, the regime of innocent passage through the territorial sea, and the regimes of transit and international sea lanes passage.

Thirdly, in a major contribution to the economic development of many States, including New Zealand, it established the rights of coastal States to the 200-mile exclusive economic zones and their rights of sovereignty over the living marine resources within the zone.

Fourthly, and with no less economic significance, it established the recognition of the sovereignty of coastal States over the continental shelf beyond 200 miles.

Fifthly, the Convention pioneered critical environmental and sustainable development concepts with the establishment of a framework for the conservation and management of high seas marine living resources, in which the duty of States to cooperate in the conservation of resources and to respect the interests and rights of coastal States was highlighted and new rules were designed to protect the marine environment from pollution.

Sixthly, the Convention elaborated rules on the conduct of marine scientific research.

This is by no means an exhaustive list of the major achievements of the Convention, but it serves to demonstrate that the world is a much better place today as a result of the 1982 Convention. For island countries like my own and for our neighbouring States of the South Pacific, the Convention clearly has a very special significance.

In this light, it is regrettable that over the course of the last decade references to the Convention have too often been seen as synonymous with the impasse over aspects of the deep seabed mining regime contained in part XI. It has to be acknowledged that the Convention failed to resolve to the satisfaction of some States a small number of issues relating to seabed mining. However, in our view this should in no way detract from the tremendous achievement that the Convention as a whole represents.

Happily, this year more than at any other time over the last decade, we can be optimistic that the remaining difficulties associated with part XI will be resolved in the very near future. We are pleased at the common commitment of both developing and developed States to finding solutions to these problems during the recent round of informal consultations convened by the Secretary-General.

We wish to express our appreciation to the United Nations Legal Counsel for his assistance in maintaining momentum in these efforts to forge a new consensus on seabed mining issues. We also wish to pay a tribute to the constructive efforts of the informal group of developing and developed States that has met in recent months to prepare and revise a document which might resolve the outstanding difficulties. This document, which has become known as the "Boat Paper", provides in our view a viable basis for a workable and lasting resolution of the part XI impasse, with respect to matters of both procedure and substance.

We consider that the Boat Paper should be taken as the basic negotiating text for further consultations. With that document to guide us, and working in a constructive and cooperative spirit, we believe that the establishment of a practical and realistic framework for future deep seabed mining which respects the fundamental principles of part XI, and in particular the principle of the common heritage of mankind, is within our grasp.

An agreement relating to the deep seabed mining provisions of the Convention would of course have a much wider significance than its immediate subject-matter. For it would provide the key to unlock the door to universal acceptance of the Convention as a whole. For New Zealand, which has been concerned about the risk that the major accomplishments of the Convention could be gradually eroded as long as the Convention does not achieve widespread ratification, this would be a most welcome development. We urge all participants in next year's negotiations to work strenuously to reach agreement before the Convention comes into force. That should enable countries such as New Zealand which have long supported the Convention but which have had concerns about the implications of the impasse on seabed mining to move ahead with speedy ratification.

I have to say that these positive developments have not come too soon. The world does not stand still and the problems of the oceans have grown at an alarming pace over the past decade. This is most acute in the areas of environment and sustainable fishing practices.

In recent years we have begun to witness the emergence of a new generation of problems related to the law of the sea. While the provisions of the Convention provide a sound framework, it is now clear that the proper implementation of the Convention's provisions in a number of fields requires the elaboration of further and more detailed rules.

The Secretary-General's report (A/48/527 and Add.1) demonstrates the range of issues under consideration in a number of different forums and the work that is being carried out to consolidate and strengthen the implementation of a number of the provisions of the Convention. The ongoing work by the International Commission for the Prevention of Pollution from Ships (MARPOL), the International Maritime Organization (IMO), the London Convention, the International Atomic Energy Agency (IAEA) and other forums to address issues of marine pollution, hazardous wastes and radioactive wastes issues are cases in point.

The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks which

commenced in July, is a further example of the ongoing work to elaborate the Law of the Sea regime. At that Conference the New Zealand Minister of Fisheries said:

> "Eleven years after its adoption, the United Nations Convention on the Law of the Sea is, more than ever, regarded as a singular achievement in the codification and development of international law. It is a vital safeguard for all States of the right to use ocean spaces and to benefit from the ocean's resources. But a decade's experience has shown that its provisions for high seas fisheries management have not, in general, been given practical effect."

He went on to note that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks

> "is about rather more than a narrow focus on jurisdictional issues related to a straddling stocks and highly migratory species. It is no less than a continuation of the international effort to bring order to the world's oceans in accordance with the Law of the Sea Convention."

New Zealand considers that it is imperative that the two further sessions of the Conference, which are scheduled for 1994, result in the adoption of strengthened measures to regulate high- seas fishing activities, thereby ensuring the sustainability of resources that are becoming increasingly scarce. We believe that a failure by the Conference to reach agreement on such concrete measures, preferably embodied in a binding legal instrument, would put at risk the Convention's regime on high-seas fisheries.

For its part, New Zealand recognizes that success at the Conference will depend on cooperation between both coastal and distant-water fishing States in finding lasting solutions to the crisis facing high-seas fisheries. A failure to accept that problems are faced on the high seas or to opt for the chaos and lack of any regulation that currently characterizes high-seas fishing activity in some parts of the world is - in both the short and long terms - in nobody's interests.

Ensuring the effective implementation of agreed fisheries-conservation measures is also essential. In this regard I would like to draw attention to the report that the Secretary-General has prepared this year on "Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas" (A/48/451). As will be recalled, pursuant to General Assembly resolution 46/215 a global moratorium on all large-scale pelagic drift-net fishing on the high seas was brought into effect from 31 December 1992. The information provided in the Secretary-General's report, along with information that has been made available subsequently, confirms that, although the moratorium has been effectively implemented in most regions - including, I am pleased to note, in our own region of the South Pacific - drift-net fishing continues in certain high-seas areas in direct contravention of the General Assembly's moratorium. It remains essential, therefore, that the international community and competent regional organizations continue to monitor developments in this area and consider taking appropriate steps in the event that these violations continue.

In concluding, I should like to thank the Secretary-General and his staff in the Legal Office, and especially the Division for Ocean Affairs and the Law of the Sea, for the comprehensive report they have once again provided us, which covers developments relevant to all aspects of the 1982 Convention. The comprehensive "Annual Review of Ocean Affairs Law and Policy" prepared and published by the Division also performs an essential role in bringing relevant developments and national documents on law-of-the-sea related issues to the attention of Member States. New Zealand considers that the United Nations Secretariat in New York plays an invaluable role in ensuring proper coordination of all activities within the United Nations system concerning the Convention and in providing advice on policy and legal aspects of the Convention to technical agencies.

Looking to the future, we would also welcome the transformation of this debate from one which tends to be focused principally on Part XI matters to one involving a much broader exchange of views on all matters relevant to the Convention.

Finally, New Zealand is once again pleased to join the sponsors of the draft resolution before us today. The draft acknowledges both the achievements of the Convention and some of the challenges that remain to be addressed if it is to attain its fullest potential. Although this year the text will once again be adopted by vote, we are optimistic - and we will work to ensure - that next year's draft resolution is adopted by consensus.

Mr. PADILLA (Philippines): The Philippines, as the eleventh State to ratify the United Nations Convention on the Law of the Sea, welcomes the entry into force of the Convention on 16 November 1994, in accordance with its article 308. When we deposited our instrument of ratification on 8 May 1984 the Philippines became the second Asian State to ratify the Convention.

It has been a long wait since 1982, when the Convention was concluded and opened for signature. The 159 signatures that were appended to the Convention stand

as a remarkable declaration of faith in its purposes, spirit and objectives and as a demonstration of the near-universality of acceptance of most of its text.

We consider the Convention to be a major accomplishment. Its broad and comprehensive sweep provides a fair and equitable, dynamic and logical legal framework for addressing the central concerns of our nations in matters relating to this field.

We recall that the Convention was a product of long and intense negotiations. Several nations had varied concerns but, in the end, the text was a carefully crafted compromise.

My country, the Philippines, had major problems with parts of the text, particularly those relating to the archipelagic waters and internal waters. But the Philippines recognized, along with other nations, that a greater benefit would result for the entire international community if accommodation was reached and a legal instrument was concluded.

It is regrettable that, despite the wide acceptance that the Convention has already received, the developed States, with the exception of Iceland, continue to have serious difficulties with Part XI of the Convention. But this is not the time for assessing and parcelling out blame or for recrimination. We must be realistic. Whether we agree or not, the difficulties that the developed States have with respect to Part XI of the Convention must be addressed because they are real and substantial difficulties, as far as those States are concerned.

Nevertheless, we expect that our friends from the industrialized nations will respond with a realism and flexibility reflecting those that the Philippines and similarly situated countries have demonstrated. We have less than a year before the Convention enters into force. We hope that before it does agreement will be reached and the date of 16 November next year will be truly a propitious beginning for a legal regime acceptable to us all.

This is why we have been taking part in the Secretary-General's informal consultations on the outstanding issues relating to the deep-seabed-mining provisions of the Convention. The latest round, which was held during the current session of the General Assembly - it lasted from 8 November to 12 November - ended on a quite optimistic note. The participants shared the view that substantial progress had been made and that the prospects for achieving agreement on part XI had improved markedly.

It was decided - as is reflected in the draft resolution on this item - that the next round of informal consultations should be held in New York from 31 January to 4 February 1994, and that this round should be followed by the convening of the twelfth regular session of the Preparatory Commission in Kingston. The proximity of these dates to the latest round of these informal consultations reflects our common desire for an accelerated and intensified pace in these discussions.

My delegation does not wish, at this time, to go over the nine issues that we have identified. These have been discussed and debated at length in our consultations. We wish, however, to emphasize that we place a great premium on the procedure for transforming any agreement into a legally binding instrument. In this respect, of course, we have carefully noted the expressed willingness of the participants in our consultations to be flexible as to the form of the instrument and the procedure for adopting it. We fully support this attitude.

At the same time, however, we must recognize that what we want is the reality of a Convention that is legally binding and clearly articulated - legally binding so that the agreement we reach will be stable and enduring; clearly articulated so that the possibility of misunderstandings with regard to its provisions will be reduced.

We commend the Secretary-General and his staff for their report on developments relating to the law of the sea. We have taken note of the effect of the date of the Convention's entry into force on the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea and on its work. In this context, it is indeed fortunate that the Preparatory Commission was able to complete its provisional final reports. We express our deep appreciation to Ambassador Jesus, Chairman of the Commission, for his wise leadership and unrelenting efforts as he guided the Commission's deliberations.

The addendum to the report of the Secretary-General outlines the activities that the Commission will need to undertake. Under the Convention, the Commission will have to convene the Group of Technical Experts that will assess when commercial production from deep seabed mining may be expected to commence. If the Group concludes that production will not take place for an extended period, the Commission, in turn, will recommend to the Authority that the annual fixed fee payable under annex III - paragraph 3 of article 13 - be waived for a relevant period. The Commission will also submit its final reports and transfer its property and records to the International Seabed Authority, after which the Commission will dissolve itself.

The Assembly of the International Seabed Authority will hold its first session on the date of the Convention's entry into force, and the meeting of the States parties to the Convention is to be convened within six months of 16 November 1994.

The Secretary-General, as is provided for in article 319 of the Convention, will assume his functions under the Treaty. He will also begin making arrangements for the meeting of States Parties, for the election of the members of the International Tribunal for the Law of the Sea and the members of the Commission on the Limits of the Continental Shelf, and for the drawing up of the lists of conciliators and arbitrators and of the list of experts.

All these activities and developments can assume their true significance only if, by the time of the Convention's entry into force, we have settled our differences and are fully prepared, on the basis of our understandings and agreements, to undertake the establishment of these institutions.

We are pleased to have found, in our consideration of the Secretary-General's report, that it encompasses the major topics of concern relating to the law of the sea. Aside from State practice and national policy, the report deals with the settlement of conflicts and disputes, maritime safety and protection of the marine environment, and the conservation and management of living marine resources.

In the report's section on regional developments, mention is made of the International Conference on Economic and Legal Aspects of Tuna Fisheries Management that was held in Manila on 12 and 13 October 1992. We were pleased to host this Conference, which adopted the "Manila Principles for High Seas Fisheries Management". The Manila Principles recognize the value of utilizing existing regional mechanisms in order to initiate dialogue on issues related to high-seas-fisheries management.

In this connection, we regard the recent Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks as a useful and constructive contribution to the objective of conserving and managing the world's fishing resources.

The heightened awareness of our environment has greatly changed our perception of the oceans and seas. Thus, the General Assembly's endorsement of Agenda 21 of the United Nations Conference on Environment and Development and the institutional follow-up to Agenda 21 are salutary developments.

The report also discusses the shipping industry, illicit drug trafficking and piracy.

We have taken particular note of the report's conclusion, based on the more than 400 incidents of piracy and armed robbery reported to the International Maritime Organization, that the danger is greatest in South-East Asia. We view this matter with concern, and we look forward to its being addressed by the Association of South-East Asian Nations (ASEAN) and by our region.

The topic of waste management, transport and disposal is of vital concern. In this connection, we note that the London Convention of 1972 was amended on 12 November of this year to include a permanent ban on the dumping of all types of radioactive waste at sea. We consider this to be another substantial step in the right direction. However, we remain concerned about the fact that some States will continue to dump such waste because of economic and other considerations. We think that this is short-sighted and is not in the interests of those States. Certainly it is not in the interests of the international community.

We are aware that nuclear and toxic industrial wastes have been estimated as making up only 10 to 20 per cent of the total material that is dumped into the sea, with the bulk being made up of raw sewage, pesticide and fertilizer run-off and airborne waste. Clearly, Governments must continue their efforts to reduce the magnitude of this problem.

We stand at the threshold of a new century, a century of vast expectations and high hopes, a century in which we hope to see the fulfilment of our universal proclamation that the seabed and ocean floor and their resources are the common heritage of mankind. May history record that we conserved and managed the seas and their riches wisely and well for the benefit of all peoples, for the good of our Earth, for the preservation and healthy growth of all that lives and breathes in the ocean and for the bountiful inheritance of our many generations yet to come.

Mr. OSVALD (Sweden): The 1982 United Nations Convention on the Law of the Sea, a convention of codification and of progressive development of international law, is undoubtedly one of the most ambitious projects undertaken so far by the United Nations. The influence of the Convention can be seen in current State practice, in bilateral agreements and in the decisions and opinions of the International Court of Justice.

The Law of the Sea Convention is multifaceted: it addresses all uses of the oceans and their resources; it creates a multitude of rights and imposes a multitude of

responsibilities on States. Sweden is one of the 159 States and other entities that have signed the United Nations Convention on the Law of the Sea.

The Convention on the Law of the Sea is thus a convention of major importance. Some of the Convention's provisions reflected what was already customary law in 1982. During the course of the last decade, more and more of its provisions have achieved that status. This development is likely to continue.

In some areas, the Convention was ahead of its time. This is particularly true in the field of the protection of the marine environment and the conservation of living marine resources. The United Nations Conference on Environment and Development was therefore able to rely on the rules of the United Nations Convention on the Law of the Sea when setting out the programme for protection of the oceans in chapter 17 of Agenda 21.

The provisions of the United Nations Convention on the Law of the Sea concern the conservation of living resources in the high seas and within the exclusive economic zone, aiming at environmentally sustainable development. In this context, Sweden welcomes the global moratorium on all large-scale pelagic drift-net fishing on the high seas as an example of the trend towards discouraging non-sustainable fishing practices.

Furthermore, it is our view that if a coastal State identifies a need to protect its resources in the exclusive economic zone by means of actions taken outside the zone or of actions that affect the rights of other States in the exclusive economic zone, such actions should not be taken unilaterally, but in cooperation with the international community and with the principle of due regard as the primary tool of guidance. These issues are being further discussed at the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

Global acceptance of the United Nations Convention on the Law of the Sea must be the goal; otherwise there is a serious risk of conserving a multiple-track system of sources for the law of the sea rules - that is, the 1958 law of the sea Conventions; the 1982 Convention; regional conventions; the rules of customary law; and "creeping jurisdiction". That would be a most unfortunate situation.

Over the last two years, informal consultations have been conducted by the Secretary-General, with the assistance of the Legal Counsel, with the objective of facilitating progress on issues to do with part XI of the Convention. As a result of these tireless efforts and the constructive attitude of the international community, a dialogue is now well under way towards resolving outstanding concerns.

Allow me, Mr. President, to take this opportunity to express my delegation's sincere gratitude to the Under-Secretary-General for Legal Affairs, Mr. Fleischhauer, and to his staff for their dedicated efforts throughout the years. Their expertise and competence were manifested in the various meetings they organized and in the valuable reports they produced.

The year 1993 has turned out to be a most eventful year in the 11-year-old history of the United Nations Convention on the Law of the Sea. At the Kingston session this spring, the Preparatory Commission was finally able to conclude the work of the four Special Commissions by approving their draft final reports. I am therefore pleased to have this opportunity to pay a special tribute to Ambassador José Luis Jesus of Cape Verde for his outstanding leadership as Chairman of the Preparatory Commission.

It is encouraging that the sixtieth ratification of the United Nations Convention on the Law of the Sea is now at hand, and that the Convention will therefore enter into force within less than a year. This means, however, that only slightly more than one third of the States in the world will be bound by its provisions on binding-treaty grounds. This underlines the need for increased support for the Convention by the international community. It is my Government's hope that the consultations under the auspices of the Secretary-General will lead to universal participation in the Convention.

Sweden has the pleasure this year to be a sponsor of the draft resolution on the law of the sea now before us. The hope that the consultations to which I referred will take place at an early date is well reflected in the draft resolution.

It is important to maintain the spirit of cooperation that inspired us to convene the Third United Nations Conference on the Law of the Sea, to take us on to the next constructive step: the adoption by the General Assembly of a declaration whose contents would be legally binding, in order to reach what should be our common goal - a universally accepted Convention on the Law of the Sea.

It is my delegation's conviction that 1994 will be a year of achievements in that regard.

Mr. MUTHAURA (Kenya): On 16 November 1993, the Secretary- General of the United Nations received the sixtieth instrument of ratification of the United Nations

Convention on the Law of the Sea. Having now acquired the required number of ratifications or accessions, the Convention will enter into force 12 months from that date, exactly 12 years after its adoption in Montego Bay, Jamaica.

My delegation is particularly delighted to be able to participate in the debate on this item on this momentous occasion, which is the culmination of efforts begun 25 years ago to establish a new comprehensive legal order for the regulation of the ocean space. Kenya is proud to be among the 60 States Parties to the Convention, which we view as the most innovative document of this century. This comprehensive regime was the product of the meticulous efforts of experts from over 150 countries, who laboured for over 9 years to establish a just and equitable order that successfully accommodated the competing interests of all nations, big and small. It is no wonder that the Convention has had a profound political, economic and legal effect and is a dominant influence on the conduct of States in marine matters.

My delegation is grateful for the thoughtful report presented by the Secretary-General in document A/48/527 and Add.1, which provides up-to-date information on State practice and on developments in the field of the law of the sea. We note in particular the increase and progress made in States' implementation of the legal regime through adoption or modification of their legislation in accordance with the provisions of the Convention. We wish to express our appreciation to the hard-working staff of the Division for Ocean Affairs and the Law of the Sea for compiling this information year after year.

My Government continues to attach great importance to oceans and their resources. To this end, and consistent with its commitment as a ratifying State, Kenya has firmly embodied the provisions of the new regime in its national laws through the enactment of the Maritime Zones Act, which defines the areas over which it exercises sovereignty or jurisdiction. In addition, the Government has undertaken efforts to integrate the ocean sector into its national development plans and programmes. We look forward to increased international cooperation in this field with international organizations and States with advanced marine capabilities, so that we can derive maximum benefits from the regime established by the Convention.

My delegation is happy to note that the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea - created at the Third United Nations Conference on the Law of the Sea to prepare rules, regulations, procedures, administrative and institutional structures, as well as other necessary requirements for the two institutions created by the Convention - adopted its final reports in April this year. Kenya participated in the valuable work of the Preparatory Commission, which laid down the infrastructure necessary for the management of the area and its resources. The coming into force of the Convention will affect the future programme of work of the Preparatory Commission. Among other things, the Commission is expected to transfer its property and records to the International Seabed Authority and to dissolve itself at the conclusion of the first session of the Assembly, which will take place on the date of entry into force. We hope that the achievements made and expertise developed during the work of the Preparatory Commission over the past 11 years will fully benefit the future work of the Authority. We pay a special tribute to the dedicated chairmanship of Ambassador José Luis Jesus of Cape Verde.

While the support for the Convention which the States Parties have demonstrated through their ratification and accession is a source of satisfaction for my delegation, the imperative need to have a Convention which is universally accepted has not escaped our attention. The draft resolution before the Assembly once again urges States to make renewed efforts to facilitate universal participation in the Convention and to work to consolidate the achievements of the Convention through a widely ratified treaty.

The need to achieve universality of the Convention acquires special significance and urgency as we approach its entry into force. Apart from certain provisions in the deep seabed mining regime, the Convention enjoys broad support throughout the international community. It is unfortunate that problems with this part have unfairly distracted us from the significant overall achievements of the Convention.

Since July 1990, in a timely effort to achieve universal participation, the Secretary-General of the United Nations has conducted informal consultations in order to identify and seek to deal with the issues which have continued to prevent industrialized States from ratifying or acceding to the Convention. We agree with the Secretary-General that these consultations are not a negotiation of the Convention in disguise, but are rather intended to shed light on various positions with respect to outstanding issues on the deep seabed mining provisions of the Convention.

My delegation would like to acknowledge that the past rounds have produced an understanding on the basic principles to be applied in resolving the outstanding issues. We have witnessed a greater willingness on the part of all parties to address the issues by means of open dialogue. We strongly support this effort to achieve universal participation in the Convention and urge all States,

especially those that did not sign the Convention, to commit themselves more positively to the efforts being made to resolve the problems.

For our part, we intend to continue taking part in this dialogue in a very open and constructive spirit and on the understanding that all delegations participating in the exercise accept the fundamental principles underlying the Convention, in particular the principle that the area and its resources are the common heritage of mankind. Based on this principle, the outcome of the consultations must foster the cohesiveness of the package the Convention constitutes and thus maintain its integrity.

Mr. SARDENBERG (Brazil): Brazil attaches particular importance to this debate in the General Assembly on the law of the sea. The United Nations Convention on the Law of the Sea represents a model of international cooperation related to the use of areas covering over two thirds of our planet. More and more countries are adapting their national legislation to the provisions of the Convention. In this connection, I am pleased to announce that on 5 January 1993 the President of Brazil sanctioned a law approved by the National Congress which is based on the norms embodied in the Convention. National measures such as this demonstrate once again the vitality of the Convention, which has been generating patterns of consistent State practice and influencing the work of international organizations and the decisions of international tribunals, as pointed out by the Secretary-General in his report to the General Assembly.

With the deposit of the instrument of ratification by Guyana, a member of the Group of Latin American and Caribbean States, the Convention will enter into force less than a year from now. While we welcome this trend, we cannot fail to be seriously concerned at the fact that the Convention still lacks universal acceptance. Part XI remains an obstacle to ratification or accession, particularly by developed States, which have expressed major difficulties with certain aspects of the deep seabed mining provisions of the Convention. In order to find a solution to these problems, Secretary-General Javier Perez de Cuellar took the initiative of convening informal consultations to promote dialogue with interested delegations, a process which has been carried on and intensified under Secretary-General Boutros Boutros-Ghali.

In the course of the last few rounds of informal consultations, real progress has been made towards finding a practical and realistic solution which could secure consensus among all the delegations involved in the process. A renewed commitment by the participants to dialogue and the imminence of the entry into force of the Convention led delegations to substantive and useful debates. In the forthcoming year, we would expect that the discussions could lead to an understanding on specific formulations on the different areas of concern.

Brazil will be ready, as in the past, to participate constructively and in an open spirit with all delegations towards our common ultimate goal - universal participation in the 1982 Convention. Needless to say, the principle of the common heritage of mankind remains at the heart of the discussions.

As a result of the informal consultations, Brazil would expect that we could all reach agreement on the adoption of an instrument that does not affect the text of the Convention as it is. In our view, an agreement on the implementation of part XI would serve the legitimate interests of States which have ratified the Convention and at the same time provide a solution that would enhance the prospects for a much wider participation in the Convention.

A word of special recognition is due to Mr. Carl-August Fleischhauer, Under-Secretary-General for Legal Affairs, and to Mr. Jean-Pierre Levy, Director of the Division for Ocean Affairs and the Law of the Sea, for the very competent role they have been playing in the process.

Turning to other aspects of the Convention, I wish to comment briefly on the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The Convention provides, in its part VII, for a set of rules to regulate the management and the conservation of the living resources of the high seas.

In view of the increased need to regulate high-sea fisheries, coastal States and States fishing on the high seas considered it appropriate to enhance international cooperation on the conservation and management of these stocks.

As the outcome of the Conference, the Brazilian delegation would expect the establishment of an effective regime to prevent the depletion of much-needed stocks. With the United Nations Convention on the Law of the Sea as the basic framework for our work, we believe that substantial progress could be made with the adoption of a legally binding instrument.

Brazil is co-sponsoring the draft resolution before us, which essentially reflects the work done in earlier sessions of the General Assembly and takes into account the fact that the Convention will enter into force next year.

The twelfth session of the Preparatory Commission is scheduled for February, and another meeting will probably take place in New York in the second semester of next

year. The commendable work already done by the Preparatory Commission is coming to a conclusion, in accordance with paragraph 13 of resolution I. Credit for the successful work of the Commission is due, to a large extent, to the diplomatic skills of Ambassador José Luis Jesus of Cape Verde.

A number of issues remain to be discussed in the Preparatory Commission. Before the entry into force of the Convention, the Commission is, *inter alia*, to prepare the provisional agenda for the first session of the Assembly and of the Council of the International Seabed Authority and, as appropriate, make recommendations on, among other matters, the budget for the first financial period of the Authority.

Moreover, the Preparatory Commission, as the only formal forum envisaged by the Convention for the period prior to its entry into force, should take stock of the work done in the informal consultations conducted by the Secretary-General and make appropriate recommendations.

The 1982 Convention is a remarkable product of international understanding and cooperation. It stands out as one of the most notable achievements in the history of multilateral diplomacy. It is also a landmark in the quest for the strengthening of international law.

The undeniable accomplishments of the Convention should not in any way be imperilled. The international community must spare no effort to transform into reality the spirit that inspired our representatives to the United Nations Conference on the Law of the Sea.

Let us hope that on 16 November 1994 the United Nations will celebrate not only the entry into force of the Convention but also, and more important, its wide and decisive acceptance by the international community as a whole.

Mr. ABDELLAH (Tunisia) *(interpretation from French)*: This year, in our consideration of the question of the law of the sea, there is a new element of hope. Indeed, Guyana has just deposited, on 16 November 1993, its instrument of ratification of the United Nations Convention of the Law of the Sea, thus making it possible for the Convention to enter into force, 12 years after its adoption at Montego Bay on 30 April 1982.

I should like to take this opportunity to make an urgent appeal to those States that have not yet done so to ratify the Convention or to adhere to it in order to ensure its universality. The implementation and the success of the Convention will depend on that international recognition of it.

We need hardly recall the historic significance of such a text. Innovative in its content, it represents an unquestionable contribution to international maritime law and constitutes an important milestone in the codifying of international law. By establishing a regime for the exploitation of the seabed beyond national jurisdiction which provides for an equitable sharing of its resources, the Convention has a part to play in bringing about a just and equitable international economic order governing ocean areas.

The concept of the common heritage of mankind which it projects is a crystallization of all the hopes of the developing countries for a better world based on peace, justice and progress for all. For this reason, while understanding the reasons invoked by a number of countries for reconsidering certain aspects of the regime set forth in the Convention, to bring the Convention into line with the new economic and political realities, Tunisia emphasizes the need to preserve its spirit.

The consultations conducted by the Secretary-General of the United Nations for three years now on the substantive issues that pose problems for the industrialized countries are, in the opinion of my country, an excellent initiative. None the less, we must not lose sight of the fact that the present realities must inevitably change. It is therefore necessary to adopt a pragmatic attitude towards the questions that remain outstanding and to avoid settling them in haste. In fact, what we decide on today may not prove to be operational tomorrow, when the time comes to exploit the minerals extracted from the seabed, which all experts agree will only be economically and technically viable in some 20 years.

Another problem, which in our view is equally important, is that of the procedure to be followed in order to take into consideration the concerns of the industrialized countries regarding part XI of the Convention. The Secretary-General indicates in his report (A/48/527) that it was not possible, at this stage, to reach agreement in this respect.

In the view of my country, any settlement of this question must be based on respect for the acquired rights of the States that have ratified the Convention and have thus committed themselves to implementing it at the national level and to adapting their own internal legislation to its provisions. Such a settlement must also be consistent with the procedures set forth in the Convention. Indeed, we believe that the proper way of approaching the procedural question would be to follow the relevant provisions of the Convention while avoiding a literal interpretation of its article 314.

It goes without saying that if an agreement is reached following the Secretary-General's consultations on part XI of the Convention and its related provisions, it would be implemented only after the Convention had entered into force.

The Convention's entry into force. That entry into force, on 16 November 1994, will have repercussions on the future work of the Preparatory Commission of the International Seabed Authority and the International Tribunal for the Law of the Sea. The tasks of the Tribunal will include the establishment of the provisional agenda and draft rules of procedure of the first session of the Assembly of the International Seabed Authority. It will also have to submit its final report on all the questions within its purview to the Assembly at its first session, which is to be held on the date of the Convention's entry into force.

In view of the extensive agenda, we believe that at least two meetings of the Commission should be held before the Convention enters into force so that it can successfully complete its work. This will also enable the Commission to evaluate the consultations that the Secretary-General will have conducted during the preceding months.

Before concluding, I must express my gratitude to the Legal Counsel of the United Nations, Mr. Carl-August Fleischhauer, for the great amount of work he has done, and I again congratulate him on his election to the International Court of Justice. I also wish to convey my thanks to Ambassador Jesus of Cape Verde for his wise leadership of the work of the Preparatory Commission.

The meeting rose at 1.05 p.m.

United Nations
GENERAL ASSEMBLY
FORTY-EIGHTH SESSION

Official Records

73rd PLENARY MEETING
Thursday, 9 December 1993 at 3 p.m.

NEW YORK

President: Mr. INSANALLY (Guyana)

In the absence of the President, Mrs. Fritsche (Liechtenstein), Vice-President, took the Chair.

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 36 *(continued)*

LAW OF THE SEA

(a) REPORT OF THE SECRETARY-GENERAL (A/48/527 and Add.1)

(b) DRAFT RESOLUTION (A/48/L.40)

Mr. BAUME (Australia): This is the last time that the General Assembly will consider in the abstract the United Nations Convention on the Law of the Sea, the primary framework for regulating the myriad matters relating to ocean space. When next we meet for a general debate on this item the Convention will be a legally binding instrument. It is our hope that by then we will have witnessed the achievement of the conditions under which it may become universal as well as legally binding.

At the outset we should like to thank the Secretary-General and, through him, the Under-Secretary-General for Legal Affairs and the Division of Ocean Affairs and the Law of the Sea for the commendable effort on this item. We should particularly like to express the Australian Government's appreciation to the outgoing Under-Secretary-General for Legal Affairs, Mr. Carl-August Fleischhauer, for his excellent work on law-of-the-sea matters, as well as to congratulate him on his highly deserved election to the International Court of Justice.

Before I turn to specific points, it is worthwhile to consider the circumstances that spurred the convening of the Third United Nations Conference on the Law of the Sea and the Convention that arose out of it. The need for a comprehensive and widely accepted Convention arose from the serious disorder that threatened the oceans in the decade following the failed Second United Nations Conference on the Law of the Sea in 1960. Inequities and inadequacies were perceived in the traditional law of the sea. Fishing grounds were faced with depletion, and the rules governing their exploitation unfairly favoured the rich and disadvantaged the poor. Archipelagic States believed that their security and integrity were jeopardized by the doctrine that the waters surrounding their islands were high seas. Pollution controls were inadequate to deal with disasters involving supertankers, and flag States were failing to take appropriate enforcement action. There was uncertainty about the extent of the rights of coastal States over the continental shelf. Many States were making excessive territorial-sea claims that threatened the high-seas rights of other States. There were also fears of a resources grab in the seabed beyond national jurisdiction.

The achievements of the Convention in seeking to find a balanced and equitable solution to all the issues related to the use of the world's oceans are historic. They reflect a renegotiation of the rules governing title to all the resources of the sea and the seabed and the rules governing most of the important uses of the sea, such as navigation, research and pollution control. The Convention also brought about new concepts, such as the exclusive economic zone, the common heritage of mankind, an obligation on all States to protect and preserve the marine environment, and tighter rules for conservation of fisheries.

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21 December 1993

ENGLISH

Since its adoption in 1982 the Convention has been successful in guiding State practice in many aspects of the law of the sea. The Convention has had a significant and unifying effect on the regulation of ocean space.

Australia's support for the Convention has been underlined by its steady implementation of Convention provisions in its domestic legislation. Recently, Australia decided to establish an exclusive economic zone, to redefine Australia's continental shelf and to establish a 24-nautical-mile contiguous zone. All this is being done in a manner consistent with the Convention.

While the developments we have outlined emphasize the significance of the Convention, State practice in all areas is still not uniformly consistent with its provisions. In addition, some of the problems which motivated the drafters of the Convention, such as marine pollution and depletion of living marine resources, have arguably become worse, not better. While there is general acceptance of the concepts underpinning the Convention, there is at the same time a need for State practice to conform to the specific obligations that give expression to these concepts.

The longer the Convention lacks universality, the greater will be the danger of divergences in interpretation of crucial aspects of it. In contrast, its innovative and flexible dispute-settlement provisions, once universally in force, would make possible the creation of a body of international law interpreting the Convention in a uniform and consistent manner. For these reasons Australia sees universal participation in the Convention as the best means of achieving long-term order and stability in the world's oceans. This is why the Secretary-General's informal consultations aimed at addressing issues of concern to some States relating to the Convention's deep-seabed-mining regime are so important. We commend the Secretary-General for having convened the consultations and wholeheartedly support the invitation and request in the draft resolution for States and the Secretary-General to increase their efforts to accelerate the consultations in order to achieve universal participation in the Convention as soon as possible.

Our best hope - perhaps our last hope - of achieving universality is through achieving a result before the Convention's entry into force next November. It is encouraging to see that many voices from both developing and industrialized States are now calling for a rapid solution. The excellent progress made during the last round of the informal consultations and the constructive atmosphere in which they were held have increased our confidence that a broadly acceptable solution is achievable by the summer of 1994. We urge all States to grasp this opportunity.

Mr. NANDAN (Fiji): As others have noted already, the debate under the agenda item "Law of the Sea" this year is marked by a very special and significant event. The 1982 United Nations Convention on the Law of the Sea has received its sixtieth ratification or accession. This has triggered an irreversible process, which will culminate in the entry into force of the Convention on 16 November 1994.

It is now almost a quarter of a century since the preparatory work for the Convention began. This was followed by the convening in 1973 of the first session of the Third United Nations Conference on the Law of the Sea, which concluded its work in 1982 by adopting the Convention.

I am today reminded of the objectives and aspirations of States that set out to achieve a comprehensive global Convention that would govern all uses and resources of the sea. These were best expressed at the opening meeting of the Conference in 1973 by the first President of the Conference, the late Ambassador Hamilton Shirley Amerasinghe of Sri Lanka. He said, as reported in the summary record of the meeting:

> "The Conference was destined to be one of the most important in the history of the United Nations and even in the history of international relations. ... Its agenda encompassed a range of topics of vital concern to the entire world. It embraced problems of a political, economic, ecological and technological character, and a successful outcome to the Conference would have a lasting impact on the future of mankind. Any agreement reached at the Conference must promote the well-being of all countries, especially the developing countries... Such agreement must also protect the ecology of the oceans, on which mankind's survival depended to such a large extent. If the Conference resolved to be guided by the principles of justice and equity and if it showed a spirit of mutual understanding, goodwill and compromise, it would not only be living up to the high expectations of the United Nations Charter but also handing down to posterity perhaps one of the supreme achievements of the Organization." *(Official Records of the Third United Nations Conference on the Law of the Sea, Vol. I, Summary Records of Meetings, 1st Plenary Meeting, para. 16)*

Ambassador Amerasinghe, in fact, set out the yardsticks against which the Convention must be measured.

In the 11 years since the Convention was adopted, its achievements have surpassed all our expectations. It has become the primary source of modern international law of

the sea. It has established a delicate balance in the uses of the oceans, and equity in the distribution of their resources. It has replaced confusion and instability in the law of the sea - confusion and instability due to the plethora of conflicting claims - with a generally agreed set of norms that are already widely accepted and applied in State practice. Thus, the new order reflected in the Convention has established stability in the oceans and has promoted cooperation between States, in place of confrontation on ocean-related matters. Further, it has facilitated the peaceful settlement of disputes on marine-related questions. The issue today is not what the law is but, rather, how to implement the law contained in the Convention in a given situation.

The Convention, however, represents more than this: it is an important symbol of a new era in the development of international law. It is a product of a process of negotiations in which all States - great and small, old and new, developed and developing, coastal and land-locked - have participated and made contributions. This is in sharp contrast to the previous era, when international law was determined by a few, who ensured that it largely reflected their own interests.

As we celebrate the depositing of the sixtieth instrument of ratification or accession, we must also be mindful of the fact that there are States that support the Convention for the most part but, because they have difficulties with certain provisions relating to the deep-seabed-mining part - part XI - have not yet ratified or acceded to it. Indeed, many of these States are among the signatories to the Convention, and most have adopted the Convention's provisions through national legislation or State practice.

My country participated in the Third United Nations Conference on the Law of the Sea with a view to the establishment of a universal legal regime to govern all activities in the seas and ocean. We continue to believe that this goal can be realized only through universal participation in the 1982 Convention. Accordingly, we have been willing and active participants in the dialogue to address the problems in part XI of the Convention that have prevented States from becoming parties to that instrument.

We are pleased with the considerable progress that has been made since the dialogue was initiated in July 1990. It is our assessment that there is already broad agreement on all substantive issues and that, subject to some fine tuning on some of the issues, we are on the verge of concluding an agreement. Thanks to the good will and flexibility of both developed and developing States, the problems are being addressed fairly and adequately, as is reflected in the revised "Boat Paper" of November 1993.

With the passage of time since the Convention was adopted, and with the rapid economic and political changes that have taken place, many of the problems being addressed have become common to all. It is therefore important that a solution be found as quickly as possible, so that the Convention may begin its life without these festering problems. In this way, we shall keep faith with ourselves by ensuring that all States that worked together to forge the Convention, and have continued to work together in the Preparatory Commission for the past 11 years, remain together when the Convention enters into force next November. We must, therefore, give some thought to the possibility of simultaneous entry into force of the implementing agreement that is being negotiated.

As the Convention enters a new phase, it is already apparent that its full and faithful application and the implementation of its many facets are not just the responsibility of individual States - that they require cooperation between States. Indeed, such cooperation is an obligation under the Convention.

There will always be some problems in relation to the oceans to be addressed, but none is so acute at present as that relating to the management and conservation of fish resources, especially those of the high seas. In the past decade there has been a rapid decline in the world fish catch from the oceans. This is a reflection of over-fishing and unregulated fishing of a large number of species. The problem is so acute that, in certain areas, a total moratorium on all fishing or in respect of certain species of fish has been established both inside exclusive economic zones and in adjacent high seas.

Fish resources of the oceans are vital to the survival of mankind. On average, they provide more than 50 per cent of the protein in our diets. For far too long, we lived in the false belief that these resources would remain unlimited. There are several causes of their rapid depletion, but the most important cause is man-made. Either there is no proper management and conservation of these resources, or the measures taken are inadequate.

The Rio Conference on Environment and Development (UNCED) drew attention to this problem, as it did to other problems relating to the ocean environment. As a consequence of the UNCED decision, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was convened this year. Two further sessions of the Conference are scheduled for next year. This Conference must address the problems of high-seas fishing for the two types of stocks. In doing so,

States must bear in mind the interrelationship in the proper management of resources in all parts of the sea.

The success or failure of this Conference will determine whether the rapid decline in the world's fish resources can be halted and reversed. More than that, there is a danger that failure of the Conference would precipitate unilateral departures from the norms established in the Convention. Of course, such actions would eventually threaten the very viability of the Convention and must therefore be avoided.

As we prepare to enter a new phase in the life of the Convention, this Organization must examine the important and central role it has to play in relation to the oceans. Mindful of this, the General Assembly, as long ago as 1983, approved the assumption by the Secretary-General of the responsibilities imposed on the Secretariat of the United Nations upon the Convention's entry into force, as it did with regard to the servicing of the Preparatory Commission.

Upon the Convention's entry into force, an International Seabed Authority will be established to administer the mineral resources of the deep seabed, but there is no equivalent international body, other than the General Assembly, to deal with ocean-related matters as a whole. Within the United Nations system there are specialized agencies and bodies that deal sectorally with certain specialized areas of ocean affairs. They are not mandated to deal comprehensively with legal, political, economic and ecological matters.

If one of the fundamental principles on which the Convention is founded -

> "that the problems of ocean space are closely interrelated and need to be considered as a whole" *(preamble to the Convention)* -

is to be maintained, the General Assembly must continue to be the forum for oversight of sectoral developments. It must ensure that they take place within the framework provided by the Convention. The Assembly must also continue to be the forum for discussion of and debate about developments in the law of the sea, which concerns more than 70 per cent of the Earth's surface and makes an invaluable contribution to global peace and security.

Consistent with the role of the General Assembly upon the Convention's entry into force, the Secretariat Unit dealing with the law of the sea and ocean affairs has an enhanced role to play in monitoring developments in ocean-related matters and in providing guidance to States and intergovernmental agencies and bodies on uniform and consistent application of the Convention.

Finally, my delegation would like to express appreciation for the report of the Secretary-General on the law of the sea. This report, like the publication "Annual Review on Ocean Affairs - Law and Policy", is an invaluable source for States with regard to the overall developments in this very specialized and important field. We urge and encourage the Secretariat to continue its good work.

As one of the sponsors of the draft resolution contained in document A/48/L.40, we commend that draft resolution to the Assembly.

Mr. WISNUMURTI (Indonesia): At the outset, my delegation would like to convey its appreciation to the Secretary-General for his comprehensive report on the agenda item concerning the law of the sea. The report informs us of the progress made in the implementation of the Convention on the Law of the Sea and about the activities and programmes undertaken towards this end.

After all the time that has elapsed since the historic signing of the 1982 Convention of the Law of the Sea, which incorporated a comprehensive legal regime governing all aspects of the various uses of the oceans and their vast resources, it is heartening to note the important event that we witnessed in the past month: the sixtieth ratification was deposited on 16 November 1993, and, as a result, the Convention will enter into force 12 months from that date. There is no doubt that this constitutes a significant milestone, marking not only the end of a long and arduous journey but also the beginning of the monumental task of giving substance to this achievement. As the Secretary-General's report points out:

> "The entry into force of the Convention will have a marked impact on the practice of States, particularly those which are Parties to the Convention, and the activities of a number of international organizations competent in the fields of ocean affairs." *(A/48/527/Add.1, para. 2)*

Since the Convention will enter into force on 16 November 1994, in accordance with paragraph 1 of its article 308, it is imperative that we fully utilize this period to secure universal adherence to the Convention. Such an achievement would be in the interest of the entire international community. We therefore highly appreciate the Secretary-General's efforts since 1990 to initiate and preside over a series of informal consultations to promote a dialogue aimed at addressing certain issues in part XI of the Convention. It is our earnest hope that, during this

crucial period, those endeavours will resolve the outstanding issues and achieve greater acceptance by all States before the Convention becomes effective next year.

Many of the provisions contained in the Convention are the result of codification of rules of general customary international law, such as the provisions governing the territorial sea, innocent passage through the territorial sea, the continental shelf and the contiguous zone. The Convention also reflects new international legal regimes, such as those applicable to the exclusive economic zone, archipelagic States, protection and preservation of the marine environment, transit passage through straits, mandatory provisions for the settlement of disputes and deep-seabed mining. All these provisions will be consolidated and further strengthened in light of the entry into force of the Convention.

Indonesia, as an archipelagic State, attaches the utmost importance in its national ocean policy to a unified legal regime for the seas. One of the most important parts of the Convention - and one that cannot be overlooked by Indonesia - is its part IV, on archipelagic States. Ever since Indonesia enacted Law No. 17 of 1985 concerning its ratification of the Convention, it has committed itself to the task of reviewing its national legislation with a view to bringing it into harmony with the Convention's obligations and to providing new regulations for the implementation and enforcement of other parts of the Convention that have not yet found a place in our domestic law. In the near future, a new bill is to be introduced concerning Indonesia's territorial sea.

It should also be noted that Indonesia, in implementing the provisions of the Convention, has concluded several bilateral agreements with its neighbours on the delimitation of maritime boundaries, including an agreement on provisional arrangements.

There are several other provisions which we consider to be of importance, namely, those dealing with the exclusive economic zone and the continental shelf. Article 57 of the Convention states that a coastal State cannot claim an exclusive economic zone beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. In conformity with this latter provision, Indonesia has enacted comprehensive legislation on the exclusive economic zone: this law is based on the need to exercise Indonesia's sovereign rights and jurisdiction in the zone.

In line with the Government's programme of development, there also exists a need to preserve and promote the rational management of the living resources of the zone for the welfare of the country. We are aware of the fact that the legal regime on the exclusive economic zone has now become a part of customary international law, as evidenced by States' practice.

Modern science has exposed the vast areas of the high seas to unprecedented levels of commercial exploitation. Among these, the seas' fishery resources have come under tremendous pressure, indeed, under the imminent threat of extinction. Against this backdrop, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks yielded general agreement on, *inter alia*, the need for effective conservation and management of straddling fish stocks; cooperation between States on the effective fisheries management of high-seas resources; and on the need for the 1982 United Nations Convention on the Law of the Sea to be the legal framework within which the conservation and management of fish stocks is developed.

The adoption of Agenda 21 by the United Nations Conference on Environment and Development is particularly timely. Agenda 21 sets out, in its Chapter 17, the programme entitled "Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources". There is a compelling need for follow-up actions and measures to be taken expeditiously in order to stem the further deterioration of the oceans and especially of their vast resources. We are therefore gratified by the various follow-up actions to Agenda 21 that have been taken; these include the establishment by the Inter-Agency Committee on Sustainable Development of an Administrative Committee on Coordination Subcommittee on Oceans and Coastal Areas and other follow-up actions taken by United Nations organizations and agencies.

Indonesia has taken a number of legal measures for the protection and preservation of its marine environment. This body of law will serve as a basis for further regulation in various aspects of environmental management.

It was after long and protracted negotiations that this unique document, the Convention on the Law of the Sea, became the subject of near-universal agreement. Beyond the shadow of a doubt, it is a tribute to the untiring efforts of the Member States, and in particular of those States that were involved in those negotiations, without whose spirit of compromise this monumental achievement would not have been possible. It therefore behooves us to proceed to the ratification process with all deliberate speed, so that the Convention can confer its intended benefits for all mankind.

Finally, my delegation, as one of the sponsors of the draft resolution (A/48/L.40) on the law of the sea, expresses the hope that members will lend it their support.

Mr. BATIOUK (Ukraine): This year the General Assembly is considering the item on the law of the sea at a crucial point, when the United Nations Convention on the Law of the Sea has already acquired the sixtieth instrument of ratification or accession required for its entry into force in 12 months. So the countdown towards 16 November 1994 has begun. It is well known that the Convention is the most detailed treaty and the most representative outcome of a universal effort to codify international law. Upon its adoption in 1982 it began to have a dominant influence on the conduct of States in marine-related matters. The Convention is undoubtedly an outstanding contribution to the maintenance of peace, justice and progress in many areas.

In its legislative practice, Ukraine follows the letter and spirit of the Convention very closely. For example, the Law of Ukraine on the State Frontier of Ukraine, adopted on 4 November 1991, was drafted in strict conformity with the provisions of part II of the Convention regarding, *inter alia*, the 12-nautical-mile breadth of the territorial sea, the right of innocent passage through the territorial sea, baselines, the definition of internal waters and the procedures governing the entry of foreign non-military vessels and warships into the internal waters and ports of Ukraine.

In the spirit of cooperation envisaged by the Convention, Ukraine continues the process of reviewing marine-related treaties with a view to becoming party to some of them. On 25 October 1993 Ukraine deposited with the Secretary-General of the International Maritime Organization the instruments of accession or acceptance of the following four Conventions: the International Convention on Load Line of 1966; the International Convention on Tonnage Measurement of Ships of 1969; the International Convention for the Prevention of Pollution from Ships of 1973; and the Convention on Facilitation of International Maritime Traffic of 1965.

In accordance with the Law of Ukraine on the Applicability of International Treaties in the Territory of Ukraine, adopted on 10 December 1991, the treaties to which Ukraine is a party form

> "an inalienable part of the national legislation of Ukraine and are applied in accordance with the procedures specified in respect of norms of national legislation."

This means that any such treaty, including the United Nations Convention on the Law of the Sea, upon its eventual ratification by Ukraine can be invoked in any Ukrainian court.

There can be no doubt that the United Nations Convention on the Law of the Sea deserves universal participation. It is obvious that unless all States participate the benefits of the Convention will never be complete. In this respect, the series of informal consultations held by the Secretary-General on outstanding issues relating to the deep seabed mining provisions of the Convention proved to be very helpful in assessing the main avenues for facilitating universal participation in the Convention as soon as possible.

The latest round of consultations has risen to the level of a decision-oriented dialogue. Ukraine welcomes this development. At the latest round of consultations an anonymous paper was presented, which, for the sake of convenience, was referred to as the "Boat Paper". We feel that the paper provides good ground for a compromise, which we view in terms of an adaptation of the Convention to the realities of the 1990s and of its practical implementation, rather than in terms of amendments to or modifications of the Convention.

However, the delegation of Ukraine is tempted to draw the Assembly's attention to one aspect of the "Boat Paper". The explicit reference to the membership of at least one State from the Eastern European region is omitted in the proposal referring to article 161, paragraph 1 (b), of the Convention. Such an approach is unjustifiable - even more so under the present circumstances, in which the number of States in the Eastern European region has grown from 11 to 26. This drawback, we hope, will be corrected at the next consultations.

It is important that the compromise in respect of provisions of part XI of the Convention be reached by the middle of next summer. A settlement is needed well in advance of 16 November 1994 in order to make the necessary arrangements for convening the first session of the Assembly of the Seabed Authority. It is likely that the General Assembly will find itself in a position to reconvene next summer in order to make the appropriate decision.

In spite of serious difficulties, beyond its control, the Preparatory Commission for the International Seabed Authority and for the International Tribunal on the Law of the Sea has made considerable progress in the discharge of its mandate. The flexibility and constructive attitude adopted by the Preparatory Commission made possible the implementation of resolution II of the

Third United Nations Conference on the Law of the Sea and the establishment of the system of pioneer investors. The Preparatory Commission elaborated several sets of rules, regulations and procedures for the Authority and the Tribunal. Some of these regulations are not complete, as in the case of the seabed mining code, but they can be finalized by the Authority itself.

However, there is still a number of pending matters which the Preparatory Commission has to address before the expiration of its mandate. Some of them are mentioned in paragraph 3 of the addendum to the report of the Secretary-General. We also wish to draw attention to resolution I of the Conference, which mandates the Commission, *inter alia*, to prepare the provisional agenda for the first session of the Assembly and of the Council and to make recommendations concerning the budget for the first financial period of the Authority. The winter and summer sessions of the Preparatory Commission promise to be intensive.

The outstanding issues facing the Preparatory Commission and the Secretary-General's consultations are basically the same. It seems logical that, at this final stage, the two forums should complement each other. The report of the Secretary-General on this item is, as usual, very thorough. It continues to be a valuable source of comprehensive information on developments in the law of the sea. This time it also contains, though in very sketchy form, a general agenda for the future. Reference to the functions of the United Nations Secretary-General under the Convention, contained in paragraph 4 of the addendum to the report, indicates that the bulk of activities related to ocean affairs and the law of the sea will remain with the United Nations itself. The United Nations will continue to play a major role in the monitoring and collection of information on and reporting on State practice in the implementation of the Convention. The United Nations will have to assist States in the harmonization of national legislation with the Convention. It will have to provide the necessary assistance, particularly to developing countries, to enable them to benefit from the rights they acquire under the Convention. These are but a few examples of the assistance which the United Nations is expected to provide.

The Commission on the Limits of the Continental Shelf is to be established under United Nations auspices and serviced by the United Nations Secretariat. The Secretary-General is also called upon to convene a meeting of the States parties, which is to elect the members of the International Tribunal for the Law of the Sea and to consider its rules.

The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs continues to play a vital coordinating role within the United Nations system in respect of all matters related to the Convention. With the entry into force of the Convention on the Law of the Sea, the Division will be subject to even greater demands in the future. The assumption of additional responsibilities by the Secretary-General makes it essential to ensure that the Division has the appropriate resources to meet these demands.

In conclusion, I should like to state that, as in previous years, Ukraine is co-sponsoring the draft resolution (A/48/L.40) before the General Assembly. We wish to commend it to all members of the Assembly.

Mr. YOO (Republic of Korea): The delegation of the Republic of Korea welcomes the opportunity to participate in the debate on the law of the sea. I should like, first of all, to express our appreciation to the Secretary-General for his comprehensive report on the law of the sea (A/48/527 and Add.1).

Our gratitude also goes to the Legal Counsel, Mr. Fleischhauer, for his dedicated efforts and invaluable contributions in the area of the law of the sea. I should also like to take this opportunity to extend our congratulations to Mr. Fleischhauer for his election as a judge of the International Court of Justice. We wish him every success as he serves in his new position.

Last but not least, I would like to take this opportunity to thank Ambassador José Luis Jesus of Cape Verde, the Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, for his tireless efforts over the past years in laying the groundwork for the entry into force of the United Nations Convention on the Law of the Sea.

My delegation is pleased that the sixtieth instrument of ratification of the United Nations Convention on the Law of the Sea has been deposited. The sixtieth ratification, which was made by the Government of Guyana, will bring the long-awaited Convention into force on 16 November 1994. We welcome the deposit as a historic event in the use and development of the oceans. We believe that the entry into force of the Convention will make significant contributions towards international peace and security by establishing a new international legal regime for the oceans.

Despite the progress which has been made, we still face the great challenge of securing the full participation of all countries in the Convention. In this regard, it is my

delegation's view that the informal consultations, initiated by former Secretary-General Javier Pérez de Cuéllar and continued by Secretary-General Boutros Boutros-Ghali, have provided constructive forums in which to bridge differences on outstanding issues related to deep seabed mining.

My delegation is encouraged by the progress made during the last informal consultations, held in November of this year. We sincerely hope that the informal consultations will produce a successful outcome next year. The Republic of Korea is prepared to offer its full support for the success of this meeting and looks forward to both the early resolution of the remaining issues and the universal acceptance of the Convention.

As a peninsular nation, the Republic of Korea relies heavily upon maritime activities. For this reason, the Republic of Korea has always attached great importance to matters pertaining to the law of the sea. As one of the 159 signatories to the Convention, our country has participated in the work of the Preparatory Commission and in the informal consultations. The Republic of Korea has already begun domestic procedures for the ratification of the Convention.

Allow me to take this opportunity to announce that the Government of the Republic of Korea will be submitting to the Preparatory Commission its application for registration as a pioneer investor and for the allocation of a pioneer area, in accordance with resolution II of the Third United Nations Conference on the Law of the Sea. Since the mid-1980s, the Korean Government has carried out pioneer activities in the international seabed area of the Northeast Pacific through the Korea Ocean Research and Development Institute (KORDI), a subsidiary organ of the Government, and the Korean Mining Promotion Corporation (KMPC), a Government-controlled company, as set forth in paragraph 1 (b) of resolution II. Upon the recent conclusion of our pioneer activities, we are now processing the necessary documentation to apply for registration with the Preparatory Commission.

In closing, I should like to affirm that the Government of the Republic of Korea is prepared to lend its full support to the stabilization of the new international legal regime for the oceans under the United Nations Convention on the Law of the Sea.

Mr. KOROMA (Sierra Leone): I should like to thank the Secretary-General and the Under-Secretary-General and Legal Counsel, Mr. Carl-August Fleischhauer, for the comprehensive and informative report (A/48/527 and Add.1) covering a wide spectrum of activities relating to ocean space.

Less than a year from now, following the sixtieth instrument of ratification for accession, the Convention will enter into force. The entry into force of the Convention will be a matter of momentous significance for the international community and will promote even further the effectiveness of the legal regime of ocean space.

The Sierra Leone delegation welcomes this event and views it as a triumph for the United Nations and for multilateral diplomacy, for it was just over 20 years ago that the Third United Nations Conference on the Law of the Sea was launched. Nine years later, in 1982, when the Convention was opened for signature, it was considered the greatest achievement of the international community since the adoption of the United Nations Charter itself. The then-Secretary-General, Mr. Pérez de Cuéllar, on that occasion described the Convention as a breath of fresh air at a time of serious crisis in international cooperation and of decline in the use of international machinery for the solution of world problems. He also stated that through the Convention, "international law is irrevocably transformed".

It is therefore encouraging that, with the imminent entry into force of the Convention, not only has that prediction held true, but, even more important, the Convention, which regulates three quarters of the planet, will legally enshrine such new concepts as the Area containing rich mineral resources and declared the common heritage of mankind; archipelagic States; the 200-nautical-mile exclusive economic zone, with respect to natural resources and certain economic activities; enclosed and semi-enclosed seas; marine scientific research; rules for maritime boundary and its delimitation; the assignment of legal rights, duties and responsibilities to States; and the provision of machinery for the peaceful settlement of disputes relating to ocean space.

But even before its entry into force, and as stated in the report, the Convention has continued to have a positive impact, providing States with the necessary basis for the conduct of affairs relating to the ocean, regulating the uses and resources of the ocean and using the relevant provisions of the Convention for national and international legal instruments.

The Sierra Leone delegation would like to commend the pioneering efforts of the Preparatory Commission, under the able chairmanship of Ambassador Jesus of Cape Verde. The Convention has continued to have an impact in the area of the environment and sustainable development. Regarding the protection and management of the ocean, in accordance with Agenda 21, the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks met this year with the objective of

promoting the implementation of the provisions of the United Nations Convention on the Law of the Sea on such fish stocks. We hope that at the end of that Conference States will establish policies for the sustainable use of the sea, negotiate international agreements to manage and conserve fish, strengthen surveillance and enforcement of fisheries regulations, revise and modify existing unsustainable policies and practices and identify technologies that should be excluded because they threaten the ecosystem.

In all these areas the capability of the developing countries to benefit from the Convention should be strengthened, and for this to happen the Division for Ocean Affairs must be enhanced to enable it to provide the necessary support for developing countries. Meanwhile, the Division has continued its diverse but integrated and very useful activities in the legal, political, scientific, technical, economic and environmental fields, thus giving tangible effect to the Convention. The Sierra Leone delegation commends the Division for its integrated and multidisciplinary approach to ocean and ocean-related affairs and for its commitment to one of the fundamental principles of the Convention - namely, that all aspects of ocean space are interrelated and should be treated as an integral whole.

The Convention on the Law of the Sea will not achieve its ultimate objective if it does not enjoy full and universal participation. It is for this reason that my delegation welcomed and continues to welcome the ongoing informal consultations on part XI of the Convention, under the chairmanship of the Secretary-General and his representative, aimed at addressing issues of concern to some States. My delegation stands ready to continue its positive cooperation with all States in this regard and joins in the sponsorship of draft resolution A/48/L.40, entitled "Law of the sea".

Mr. CARDENAS (Argentina) *(interpretation from Spanish)*: My delegation wishes to speak on agenda item 36, "Law of the sea", because of the growing importance Argentina attaches to this question, its evolution and its undeniable importance for the effective protection of the marine environment, whose preservation is a matter of constant concern for the international community.

I should first like to emphasize how hugely significant it is, in our opinion, that, with the ratification by Guyana, the United Nations Convention on the Law of the Sea has now been ratified by 60 countries. We also welcome the development and consolidation of the law of the sea, as encapsulated in the Convention, which in itself is historically significant as an important juridical contribution to the maintenance of peace, justice and progress in the international community.

The numerous accessions to the Convention and its upcoming entry into force, on 16 November next year, demonstrate the majority support it enjoys and should serve as a global landmark enabling us to find an effective and integrated solution to the difficulties related to Part XI of the document, which were evident throughout the consultations with the Secretary-General. In this connection, my delegation stresses its desire to encourage States to participate constructively in those consultations with a view to achieving, in a spirit of pragmatism, a definitive solution to existing problems.

We should also like to express our appreciation to the Secretary-General for his efforts in support of the Convention and for his report (A/48/527 and Add.1).

Finally, I should like to point out that the Convention constitutes a very useful framework for the development of the United Nations Conference on high-seas fishing, in regard of which, in particular, we expect and encourage positive results that should be achieved soon. In reaffirmation of the view expressed by my Government last July, we stress the need to face and solve the problems affecting resources whose preservation is of vital importance to all States.

Mr. BISSEMBER (Guyana): It is with a deep sense of pride that I speak on behalf of the Guyana delegation in support of draft resolution A/48/L.40, entitled "Law of the sea", under agenda item 36. That sense of pride stems from the fact that, by depositing, on 16 November 1993, its instrument of ratification of the United Nations Convention on the Law of the Sea, my country has, by this sovereign act, made possible the Convention's entry into force next November. This is a moment of national pride not only for Guyana; the countries of the Caribbean Community and, indeed, all developing countries no doubt share the significance of this prospect with us.

Draft resolution A/48/L.40 is a significant contribution to the work of this body and the international community in general. It takes account not only of the consultations being pursued under the auspices of the Secretary-General but also of the important work of the Preparatory Commission. There is need for the discussions in these two forums to complement each other, especially given the Convention's impending entry into force next November.

Representatives will no doubt recall the intense negotiations that began in 1979 and culminated in the signing of the Convention on the Law of the Sea in Montego Bay, Jamaica, in 1982. At the time, the

Convention was heralded as a milestone in the international community's ability to negotiate compromise solutions within the framework of an international legal instrument. Also of major importance was the recognition in the Convention of the concept of the common heritage of mankind as it applies to the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction - that is, the Area.

The Convention remains a worthwhile guide to how competing interests in the conduct of international affairs can be resolved to the acceptance of all. In the pursuit of some of its objectives, Guyana takes note of the deliberations of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and the progress that has been made in this area.

Draft resolution A/48/L.40 speaks, *inter alia*, to the concern for the protection of the marine environment and for the conservation and management of living marine resources. It urges the early achievement of universal participation in the Convention on the Law of the Sea. In a similar manner, Guyana urges its adoption.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/48/L.40.

Before we begin the voting process, I should like to announce that the following countries have become additional sponsors of the draft resolution: Cameroon, Djibouti and the Sudan.

We shall now begin the voting process. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Turkey.

Abstaining: Azerbaijan, Ecuador, Eritrea, Germany, Israel, Kazakhstan, Panama, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Draft resolution A/48/L.40 was adopted by 144 votes to 1, with 11 abstentions (resolution 48/28).

The PRESIDENT: I shall now call on those representatives who wish to make statements in explanation of vote. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mrs. BAYKAL (Turkey): Turkey agrees with most of the provisions of both the Convention on the Law of the Sea and the draft resolution that has just been adopted. We have always been in favour of the establishment of a legal regime of the sea that would be based on equity and which would be generally acceptable to all States. However, Turkey has been unable to sign the Convention since it did not give due recognition to geographical particularities. Because of this shortcoming, the Convention was not able to establish a proper balance between conflicting interests. In addition, the Convention did not allow the signatories to reserve their positions *vis-à-vis* its particular provisions.

As in previous years, Turkey has not been able to accept a draft resolution that does not meet its interests in the seas that surround it, and accordingly voted against the draft resolution.

Mr. WOOD (United Kingdom): The Permanent Representative of Belgium, speaking this morning on behalf of the European Union, has already set out the basic position of my delegation. I am speaking in order to

explain the United Kingdom's abstention on the draft resolution that has just been adopted.

As in previous years, the United Kingdom abstained in the vote on the adoption of the draft resolution on the law of the sea. We did so primarily because of the call in paragraph 7 for States to consider ratifying the Convention at the earliest possible date. As is well known, the United Kingdom has fundamental objections to many points in part XI of the Convention, and we therefore consider it premature to call for ratification until these problems have been resolved.

On the positive side, we welcome the fact that good progress has been made in the consultations led by the Secretary-General with a view to overcoming outstanding problems relating to part XI. The debate today has been very encouraging in this respect. We strongly support the call in paragraph 5 of the resolution for increased efforts to achieve universal participation in the Convention as soon as possible. The United Kingdom will continue to play a positive role in the consultations, which are to resume at the end of January. We should like the consultations to focus on the revised "Boat Paper".

The United Kingdom is determined to work for the adoption of the proposed implementing agreement without undue delay, and in particular before 16 November 1994. We shall continue to cooperate with all delegations to this end. Far-reaching adjustments to part XI are required to overcome existing obstacles, but we are encouraged by the consultations thus far and trust that they will succeed in 1994.

Mr. CASTELLI (Argentina) *(interpretation from Spanish)*: My country's interpretation of the second preambular paragraph and operative paragraph 8 of the draft resolution that has just been adopted is in accordance with the statement we made on 5 October 1984, when we signed the Convention on the Law of the Sea, and particularly with the last paragraph of that statement, in which we reiterated that the Convention itself clearly stipulates in paragraph 318 that annexes are an integral part of it.

Mr. ROGATCHEV (Russian Federation) *(interpretation from Russian)*: As in previous years, the delegation of the Russian Federation supported the draft resolution on item 36 of the General Assembly's agenda, on the law of the sea.

We believe that the Convention on the Law of the Sea of 1982 is an extremely important document which should without any doubt become universal. The attainment of this goal is being obstructed by a few of the provisions in the Convention, the implementation of which has given rise to difficulties for a number of States.

At the same time, the ratification of the Convention by 60 States establishes a new situation which makes it absolutely necessary for the Convention to enter into force as soon as possible. If the outcome of the consultations being held under the aegis of the Secretary-General is a mutually advantageous agreement on the implementation of part XI, this should make it possible for the industrially developed countries, including the Russian Federation, to ratify the Convention. Such an agreement should adequately reflect the interests of the six pioneer investors, which in the past 10 years have been playing the most important role in the Preparatory Commission.

On that understanding, the delegation of the Russian Federation voted in favour of the draft resolution.

The PRESIDENT: The Assembly has thus concluded this stage of its consideration of agenda item 36.

AGENDA ITEMS 139 TO 148, 152 AND 161

UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SIXTH COMMITTEE (A/48/608)

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM: REPORT OF THE SIXTH COMMITTEE (A/48/609)

PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER: REPORT OF THE SIXTH COMMITTEE (A/48/610)

UNITED NATIONS DECADE OF INTERNATIONAL LAW: REPORT OF THE SIXTH COMMITTEE (A/48/611)

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FIFTH SESSION: REPORT OF THE SIXTH COMMITTEE (A/48/612)

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION: REPORT OF THE SIXTH COMMITTEE (A/48/613)

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY: REPORT OF THE SIXTH COMMITTEE (A/48/614)

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION: REPORT OF THE SIXTH COMMITTEE (A/48/615)

CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY: REPORT OF THE SIXTH COMMITTEE (A/48/616)

REQUEST FOR AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE: REPORT OF THE SIXTH COMMITTEE (A/48/617)

QUESTION OF RESPONSIBILITY FOR ATTACKS ON UNITED NATIONS AND ASSOCIATED PERSONNEL AND MEASURES TO ENSURE THAT THOSE RESPONSIBLE FOR SUCH ATTACKS ARE BROUGHT TO JUSTICE: REPORT OF THE SIXTH COMMITTEE (A/48/618)

REVIEW OF THE PROCEDURE PROVIDED FOR UNDER ARTICLE 11 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS: REPORT OF THE SIXTH COMMITTEE (A/48/619)

The PRESIDENT: I request the Rapporteur of the Sixth Committee, Mr. Oleksandr Motsyk of Ukraine, to introduce the reports of the Sixth Committee in one intervention.

Mr. Bull (Liberia), Vice-President, took the Chair.

Mr. MOTSYK (Ukraine) (Rapporteur of the Sixth Committee): I have the honour of presenting to the General Assembly the twelve reports of the Sixth Committee on its work on the agenda items allocated to it at this session. The reports are contained in documents A/48/608 to A/48/619, inclusive.

At the outset, I would like to thank the Sixth Committee for the honour it has bestowed on my country, Ukraine, and myself by electing me Rapporteur of the Sixth Committee. I would also like to thank the other members of the Bureau for their assistance, first and foremost, the Chairman of the Committee, Ms. María del Luján Flores, whom I congratulate for the exemplary manner in which she presided over the Committee's work. My thanks go also to the two Vice-Chairmen, Mr. Matthew Neuhaus of Australia and Mr. Ali-Thani Al-Suwaidi of the United Arab Emirates, as well as to Ambassador Carlos Calero-Rodrigues of Brazil, Chairman of the Working Group on Jurisdictional Immunities of States and Their Property, Mr. Philippe Kirsch of Canada, Chairman of the Working Group on Attacks against United Nations and Associated Personnel, and Mr. Sani L. Mohammed of Nigeria, Chairman of the Working Group on the United Nations Decade of International Law.

Before introducing each of these reports in the order in which they appear in the *Journal of the United Nations*, I would like to highlight the following remarkable achievement of the Sixth Committee at this session of the General Assembly. For the first time, the Committee adopted all its resolutions and decisions without a vote. The Chairman, who conducted extensive consultations and demonstrated her high diplomatic skills and patience, as well as all the members of the Committee, who showed the necessary flexibility and will to cooperate, deserve our warmest appreciation and congratulation.

I now turn to the report (A/48/608) of the Sixth Committee on agenda item 139, entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 7 of the report. Under the operative part of the draft resolution, the General Assembly would, *inter alia*, approve the guidelines and recommendations contained in the report of the Secretary General on the item (A/48/580), which were adopted by the Advisory Committee on the Programme of Assistance, and which include the award of a number of international law fellowships and travel grants both in 1994 and in 1995, subject to the overall resources for the Programme.

After expressing its appreciation to the various entities involved in the implementation of the Programme of Assistance, the General Assembly would request the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion. It would also request the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the Programme during 1994 and 1995 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

The Sixth Committee adopted the draft resolution without a vote and I hope that the Assembly will do the same.

Let me now turn to agenda item 140, entitled "Measures to eliminate international terrorism". The relevant report of the Sixth Committee is to be found in document A/48/609.

The Sixth Committee recommends to the General Assembly for adoption the draft decision reproduced in paragraph 10 of the report, in connection with which the Chairman of the Committee made a statement, which is reproduced in paragraph 7 of the report and which reads as follows:

> "The decision to place this item on the provisional agenda of the forty-ninth session has been taken in the light of the request for views of States contained therein. It is a procedural decision. While reaffirming its condemnation of all acts, methods and practices of terrorism, as contained in its resolution 46/51, the General Assembly calls for the strengthening of cooperation among States in combating all terrorist activities." *(A/48/609, para. 7)*

Under the terms of the draft decision, the General Assembly would request the Secretary-General to seek the views of Member States on the proposals submitted by Governments contained in his report or made during the debate on this item at its forty-eighth session in the Sixth Committee or contained in resolution 46/51, on practical measures to eliminate acts of terrorism, on ways and means of enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism, and on ways to consider this question within the Sixth Committee. It would further decide to include in the provisional agenda of its forty-ninth session the item entitled "Measures to eliminate international terrorism", without prejudice to the question whether the item will thereafter be considered annually or biennially.

The Sixth Committee adopted the draft decision, in connection with which the Chairman made the aforementioned statement, without a vote, and I hope that the General Assembly will do the same.

I now wish to draw your attention to the report (A/48/610) of the Sixth Committee on agenda item 141, entitled "Progressive development of the principles and norms of international law relating to the new international economic order". The draft decision recommended by the Sixth Committee to the General Assembly for adoption is reproduced in paragraph 9 of the report. Under this decision, the General Assembly would decide to resume consideration of the legal aspects of international economic relations at its fifty-first session and to include the item in the provisional agenda of that session. The Sixth Committee adopted the draft decision without a vote, and I hope that the General Assembly will do the same.

I now turn to the report (A/48/611) of the Sixth Committee submitted under agenda item 142, entitled "United Nations Decade of International Law."

The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 11 of the report.

In the preambular part of the draft resolution the General Assembly would recall the four main purposes of the Decade, namely the promotion of acceptance of and respect for the principles of international law; the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice; the encouragement of the progressive development of international law and its codification; and the encouragement of the teaching, study, dissemination and wider appreciation of international law. Under the operative part of the draft resolution, the General Assembly would, in particular, decide that a United Nations congress on public international law should be held in 1995, as proposed in the relevant section of the report of the Working Group on this item.

The Assembly would also invite all States and international organizations and institutions referred to in the programme for the second term of the Decade to submit information to the Secretary-General, as appropriate, on activities undertaken in implementation of the programme and to submit their views on activities for the next term of the Decade. That information would be included in the report of the Secretary-General requested in paragraph 5 of the draft resolution. The General Assembly would further invite all States to review the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict and to submit their comments thereon to the International Committee of the Red Cross, either directly or through the Secretary-General. Finally, the Secretary-General would be requested to submit information received from the International Committee of the Red Cross on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict in the report to be prepared under paragraph 5 of the draft resolution.

The Sixth Committee adopted this draft resolution without a vote, and I hope that the Assembly will do the same.

I now turn to item 143, "Report of the International Law Commission on the work of its forty-fifth session". The relevant report of the Sixth Committee is in document A/48/612. The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is in paragraph 8 of that document. I should like to draw attention to the fact that Honduras would have wished to become a sponsor of the draft resolution.

Under this draft resolution, the Assembly would, *inter alia*, express its appreciation to the International Law Commission for the work accomplished at its forty-fifth session and recommend that the Commission continue its work on the topics in its current programme. The Assembly would also invite States to submit to the Secretary-General by 15 February 1994 written comments on the draft articles proposed by a Working Group of the Commission on a draft statute for an international criminal court and would request the Commission to continue its work as a matter of priority on this question with a view to elaborating a draft statute if possible at its forty-sixth session, in 1994.

May I also seize this opportunity to draw the Assembly's attention to paragraph 13 of the draft resolution, in which the Assembly would appeal to States that can do so to make the voluntary contributions that are urgently needed for the holding of seminars in conjunction with the sessions of the International Law Commission.

The Sixth Committee adopted this draft resolution without a vote. I hope the Assembly will find it possible to do likewise.

The next report of the Sixth Committee to be introduced is contained in document A/48/613 and is submitted under agenda item 144, entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session". The three draft resolutions the Sixth Committee recommends to the General Assembly for adoption are reproduced in paragraph 14 of the report.

In the preambular part of draft resolution I the General Assembly would reaffirm its conviction that the progressive harmonization and unification of international trade law would significantly contribute to universal economic cooperation among all States and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples. The Assembly would also express concern about the continuing relatively low incidence of expert representation from developing countries at sessions of the Commission and its working groups, due in part to inadequate resources to finance the travel of such experts.

In the operative part of the draft resolution the General Assembly would, among other things, take note with appreciation of the report of the Commission on International Trade Law and welcome its ongoing work, as well as the decision to undertake the preparation of guidelines for pre-hearing conferences in arbitral proceedings. The Assembly would also reaffirm the mandate of the Commission and the importance, in particular for developing countries, of its work concerned with training and assistance in the field of international trade law. The Assembly would, moreover, request the Secretary-General to establish a separate trust fund for the Commission to grant travel assistance to developing countries and would also decide to continue to consider in the competent Main Committee the question of granting travel assistance to the least developed countries within existing resources. Finally, the Assembly would stress the importance of bringing into effect the conventions emanating from the work of the Commission and to this end would invite States that have not yet done so to consider signing, ratifying or acceding to these conventions.

The representative of Uruguay subsequently stated that Uruguay joined the other sponsors of the draft resolution.

In draft resolution II recommended by the Sixth Committee on this item, the General Assembly would note with satisfaction the adoption by the Commission on International Trade Law of the Model Law on Procurement of Goods and Construction and recommend that States give favorable consideration to the Model Law when they enact or revise their procurement laws.

In draft resolution III, the final draft resolution contained in the report of the Sixth Committee on this item, the General Assembly would recall the entry into force in 1992 of the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules) and invite all States to consider becoming parties to that Convention.

The Sixth Committee adopted these draft resolutions without a vote, and I hope that the Assembly will do the same.

I should now like to turn to the report of the Sixth Committee in document A/48/614, submitted under agenda item 145, entitled "Report of the Committee on Relations with the Host Country". The Sixth Committee

recommends to the General Assembly for adoption the draft resolution reproduced in paragraph 7 of the report.

In the operative part of the draft resolution the General Assembly would, *inter alia*, endorse the recommendations and conclusions of the Committee on Relations with the Host Country and express the hope that the host country would continue to take all measures necessary to prevent any interference with the functioning of missions and that problems raised at the meetings of the Committee would continue to be resolved in a spirit of cooperation and in accordance with international law. It would also voice its concern that the amount of financial indebtedness resulting from non-compliance with contractual obligations of certain missions accredited to the United Nations had increased to alarming proportions and express the hope that the efforts undertaken by the Committee, in consultation with all concerned, would lead to a solution of this problem. The Assembly would welcome the lifting of travel controls by the host country with regard to certain missions and staff members of the Secretariat of certain nationalities and express the hope that the remaining travel restrictions would be removed by the host country as soon as possible. It would also request the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971.

The draft resolution was adopted by the Sixth Committee without a vote, and I hope that the Assembly will do the same.

I turn next to document A/48/615, which contains the report of the Sixth Committee submitted under agenda item 146, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The draft resolution the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 9 of the report.

Under the operative part of the draft resolution, the General Assembly would take note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Further, the Assembly would decide that the Special Committee would hold its next session from 7 to 25 March 1994 for the purpose of carrying out its mandate regarding the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and regarding the question of the peaceful settlement of disputes, as spelt out in paragraph 3. Finally, by the draft resolution, the General Assembly would invite the Special Committee to initiate a review of its membership and to consider various proposals regarding this membership.

The representatives of Afghanistan and of Oman subsequently stated that their countries had joined the sponsors of the draft resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will do the same.

With respect to agenda item 147 - "Convention on jurisdictional immunities of States and their property" - the Sixth Committee, in accordance with General Assembly decision 47/414, entrusted a Working Group with the task of examining, on one hand, issues of substance arising out of the draft articles on the matter adopted by the International Law Commission in 1991 and, on the other hand, the question of the convening of an international conference on the subject.

In its report to the Sixth Committee, the Working Group indicated that the exchange of views had contributed to the clarification of positions and that progress had been made on a number of substantive issues. Accordingly, the Sixth Committee recommends in its report to the General Assembly (A/48/616) that the Assembly adopt the draft decision contained in paragraph 12 of that document, whereby the Assembly would take note of the report of the Working Group; would decide to hold consultations, in the framework of the Sixth Committee, at the forty-ninth session, to continue consideration of substantive issues; and, further, would decide to give full consideration to the recommendation of the International Law Commission that an international conference be convened to conclude a convention on the subject.

The draft decision was adopted by the Sixth Committee without a vote, and I hope that the Assembly too will adopt it without a vote.

I turn now to the report of the Sixth Committee (A/48/617) submitted under agenda item 148, entitled "Request for an advisory opinion from the International Court of Justice". The draft decision the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 6 of the report. Under this draft decision the Assembly would decide to include this item in the provisional agenda of its forty-ninth session.

The draft decision was adopted by the Sixth Committee without a vote, and I hope it will be adopted by the Assembly also without a vote.

I turn next to document A/48/618 - the report of the Sixth Committee submitted under agenda item 152, entitled "Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those

responsible for such attacks are brought to justice". The draft resolution recommended to the General Assembly for adoption is contained in paragraph 10 of the report. I should like to draw attention to the fact that El Salvador, the Marshall Islands, Morocco, the Republic of Korea and Senegal would have wished to become sponsors of the draft resolution.

Under the operative part of the draft resolution, the General Assembly would decide to establish an Ad Hoc Committee open to all Member States to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel. The Assembly would also decide that the Ad Hoc Committee be authorized to hold a session from 28 March to 8 April 1994 and, if the Ad Hoc Committee were so to decide, to hold a further session from 1 to 12 August 1994 to prepare the text of a draft convention. The Assembly would also request the Ad Hoc Committee to report to the General Assembly at its forth-ninth session on progress made towards the elaboration of the draft convention. Further, the General Assembly would recommend that a working group be re-established in the framework of the Sixth Committee at its forty-ninth session in the event that further work was required for elaboration of the draft convention.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will do the same.

Finally, I turn to agenda item 161, entitled "Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations". The draft decision the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the relevant report (A/48/619). Under the terms of the draft decision, the Secretary-General would be requested to carry out a review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations, taking into account the views expressed during the forty-eighth session of the General Assembly and any further views that States might submit, and to report thereon to the General Assembly at its forty-ninth session, either as part of the report requested under resolution 47/226 or separately.

The Sixth Committee adopted this draft decision without a vote, and I hope that the Assembly will do the same.

That concludes my presentation of the reports of the Sixth Committee. I may have unduly taxed the patience of the Assembly, but I hope that delegations will agree that the work and the achievements of the Sixth Committee at this session deserved an item-by-item presentation, no matter how sketchy.

I should like to take this opportunity to address a special word of thanks to the Secretariat for its help and cooperation. I should like, in particular, to thank the Legal Counsel, Mr. Carl-August Fleischhauer, and to express my deepest gratitude to the Secretary of the Committee, Ms. Jacqueline Dauchy, as well as to the Deputy Secretary, Mr. Andronico O. Adede, and to all staff of the Codification Division, which provided such dedicated service to the Committee. My thanks go also to all interpreters, translators, conference officers and documents officers who contributed to the work of the Committee and to its successful conclusion.

The PRESIDENT: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee which are before the Assembly today.

It was so decided.

The PRESIDENT: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that:

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Sixth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Sixth Committee.

The Assembly will now consider the report (A/48/608) of the Sixth Committee on agenda item 139,

entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/29).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 139?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/609) of the Sixth Committee on agenda item 140, entitled "Measures to eliminate international terrorism". The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 10 of that report, in connection with which the Chairman made the statement referred to in paragraph 7 of the report.

The draft decision was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 140?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/610) on agenda item 141, entitled "Progressive development of the principles and norms of international law relating to the new international economic order". The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 9 of that report.

The draft decision was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 141?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/611) of the Sixth Committee on agenda item 142, entitled "United Nations Decade of International Law". The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 11 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/30).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 142?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/612) of the Sixth Committee on agenda item 143, entitled "Report of the International Law Commission on the work of its forty-fifth session". The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/31).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 143?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/613) of the Sixth Committee on agenda item 144, entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session". The Assembly will now take a decision on the three draft resolutions recommended by the Sixth Committee in paragraph 14 of that report.

Draft resolution I is entitled "Report of the United Nations Commission on International Trade Law on the

work of its twenty-sixth session". The Sixth Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 48/32).

The PRESIDENT: Draft resolution II is entitled "Model Law on Procurement of Goods and Construction of the United Nations Commission on International Trade Law". Draft resolution II was adopted by the Sixth Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 48/33).

The PRESIDENT: Draft resolution III is entitled "United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules)". The Sixth Committee adopted draft resolution III without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution III was adopted (resolution 48/34).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 144?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/614) of the Sixth Committee on agenda item 145, entitled "Report of the Committee on Relations with the Host Country". The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/35).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 145?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/615) of the Sixth Committee on agenda item 146, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of that report. The draft resolution was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/36).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 146?

It was so decided.

The PRESIDENT: The Assembly will next consider the report (A/48/616) of the Sixth Committee on agenda item 147, entitled "Convention on jurisdictional immunities of States and their property".

The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 12 of that report. The draft decision was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 147?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/617) of the Sixth Committee on agenda item 148, entitled "Request for an advisory opinion from the International Court of Justice".

The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 6 of that report. The draft decision was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 148?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/618) of the Sixth Committee on agenda item 152, entitled "Question of responsibility for attacks on

United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of that report. The draft resolution was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/37).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 152?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/619) of the Committee on agenda item 161, entitled "Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations".

The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 8 of that report. The draft decision was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 161?

It was so decided.

The PRESIDENT: We have thus concluded our consideration of all the reports of the Sixth Committee.

The meeting rose at 5.30 p.m.